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Current Topics.

Law Societies at Bournemouth.

AN UNUSUALLY large attendance marked the forty-sixth Provincial Meeting of The Law Society at Bournemouth this week, and Mr. WALTER FOSTER, the President, with the knowledge and experience born of forty-two years' practice as a solicitor, most of it under the shadow of Big Ben, performed a notable public service in emphasising the ill-digested and unwieldy character of latter-day legislation. His presidential address appears in full on another page, and it will suffice to say for the moment that he pointed out that the statute book in the period 1909-14, though it contained many sweeping changes in the social structure, averaged only 314 pages a year, but the period 1923-28 averaged 728 pages a year. It indeed passes the wit of any lawyer, let alone layman, to keep pace with this spate of legislation affecting the interests and liberties of millions of people, yet the principle *ignorantia legis haud excusat* still holds good, despite the occasional protests of judges and magistrates. Mr. FOSTER referred to the plethora of ambiguities and anomalies in the new Rating and Valuation Acts, and anticipates a fresh campaign of litigation, just as the old rating procedure was clarified by a long course of judicial decisions at the expense of the ratepayers. He put his finger on a development that seems to be inseparable from the creation of fresh systems of this kind, namely, that it will cost the rate and tax payer more, because, though hundreds of rating authorities are abolished, they were mainly unpaid, and the work will now be done by paid officials. There are, he says, hundreds of appeals pending under the Rating Act of 1928 alone to determine the meaning of "industrial hereditament." He spoke with regret of certain sections of recent Finance Acts which, in his view, discourage a careful husbanding of their resources by well-managed trading companies, and did not hesitate to speak his mind upon the unwisdom, as he considers it, of extending the Parliamentary vote to all women of age, and the gap in the constitution left by the Parliament Act.

The Bureaucratic Jurisdiction.

IN HIS final remarks Mr. FOSTER raised an objection to the tendency in recent important statutes to lay down varying periods for appeal on an arbitrary basis, but the very grave encroachment of the executive upon judicial jurisdiction, now being allowed by Parliament, was a wider subject left to Mr. H. G. WEDD, of Langport. In Parliament Sir J. MARRIOTT has been the most doughty opponent of this mischievous development, which was criticised by the present Lord Chancellor, Lord SANKEY, in a weighty address at the London University some time ago, and is the subject of more detailed criticism in Lord HEWART'S forthcoming book "The New Despotism," extracts from which have been published in *The Daily Telegraph*. The issue must indeed be serious which induces the Lord Chief Justice of England to come into the public arena. Mr. WEDD bears witness to the public extravagance resulting from the centralisation of so much power under new statutes in the hands of Government Departments, who exercise arbitrary authority and are answerable only to a hitherto supine House of Commons. He also points to the inevitable multiplication of officials and the semi-judicial powers with which many of them are clothed. In 1914, he points out, the Army and Navy vote was about £80,000,000, as it is now, but the peace services now cost £227,000,000; what benefits, he asks, does the nation receive for this last sum? Mr. FOSTER also urged in his presidential address a consolidation of the Solicitors Acts, and other interesting papers dealing with the legal profession were read by Mr. FRANK A. GRAHAM (London) and Mr. EDWARD BRAMLEY (Sheffield). In view of recent disastrous events in the City the informative addresses by Mr. CHARLES L. NORDON on "Safeguarding the Investor in Public Companies," and by Dr. BURGIN, M.P., on the new Companies Acts were particularly to the point, and the papers by Mr. R. G. POLLOCK (Derby) on certain differences between the English and Scottish laws, and Mr. WALTER G. BEECROFT (Leigh-on-Sea) on "Undercutting by Building Societies," are of considerable value to those concerned with the subjects. We hope to publish most of them in due course.

Professional Discipline.

THE PAPER read by Mr. E. R. COOK, the eminent Secretary of The Law Society, contained an interesting history of the methods by which the profession has from time to time maintained its standard of honour, with some account of the present machinery. This may appear somewhat complicated to the outsider, but it is the result of long experience, and, in Mr. COOK'S opinion, provides "as effective and complete, as prompt, as fair, and as inexpensive a method as could possibly be devised." This seems a high claim, but no doubt the procedure works well enough, and there is an appeal in the last resort to a Divisional Court of the King's Bench Division, to prevent any suspicion of injustice being done by the special professional tribunal. In only one of a dozen appeals since the Act of 1919, however, has the order of the Discipline Committee been reversed, and then only in mitigation of penalty. In the discussion which followed the reading of the paper, the question of providing an insurance or guarantee fund to indemnify clients against

loss due to the dishonesty of the "black sheep" of the profession was raised. Sir ROGER GREGORY stated that a scheme was being considered of establishing a fund by subscription or levy, a matter with which we dealt only last month, see the closing paragraph of "A Solicitor's Authority to receive Money," p. 579, *ante*. We may perhaps commend our observations to Sir ROGER and the council, especially the suggestion that, for the inception of the scheme, at least, only money received by solicitors in the course of duty, not perhaps strictly professional, but within the limits of work normally undertaken by the profession, should be guaranteed. This would relieve the profession of liability in cases like that of *Reckitt*, where a wealthy man chooses to make a solicitor his general business and estate agent. Possibly it might be best in the beginning to indemnify clients only, leaving outsiders to bear their losses, which was the fate of the unfortunate respondents in that case. The ideal, however, would be to include such others. As we pointed out, it is the small cases where humble people lose their life savings which discredit the profession, a fact also emphasised by Sir ROGER. And, in his words "It would be a noble thing for the profession to be able to say: 'We cannot stop the fraudulent, but we will tax ourselves to make good the losses which the wronged ones incur'."

The Optional Clause.

ONE OF the outstanding events of the last few days at Geneva has been the signing of the Optional Clause by the various parts of the British Empire, but the Irish Free State, in refusing to act in uniformity with the rest of the Empire, has signed without reservations, i.e., without the reservations made by the other parts of the Empire that legal disputes between members of the Empire should be excluded from the competence of the court. The Irish Free State has already made it clear that she will put great difficulties in the way of appeals in private disputes from the Irish Courts to the Privy Council, and it is only natural that the antipathy to the jurisdiction of the Privy Council should extend to more important matters which involve international law. But the step which she has now taken is none the less very much to be regretted. Any extension of the activities of the Permanent Court of International Justice is welcome, but that is only because it is taking cognisance of disputes which might otherwise be decided by war. There is no need for it to attempt to do the work of tribunals, such as the Judicial Committee of the Privy Council, which are already working efficiently and themselves carry out the very function of the Permanent Court, viz.: the peaceful settlement of disputes. And while one wishes to render the greatest respect to the Permanent Court and to its distinguished members, one cannot help thinking that the Judicial Committee is just as well equipped as it is to deal with disputes arising between members of the British Empire. The members of the Judicial Committee have all had judicial experience. This is a most important matter, and it is one of the main objections to the Permanent Court that its members are not necessarily trained judges. Also the committee has obtained a peculiar experience in dealing with matters affecting the Empire and imperial relations—an advantage which is not enjoyed by the Permanent Court. If such a dispute as the Labrador Boundary dispute can be satisfactorily dealt with by the Judicial Committee, that is sufficient proof of its competence to deal with important international matters.

Taxation of Costs.

THE TAXATION of costs in the case of an action where there is a claim and a counter-claim sometimes gives rise to difficult questions. In *Medway Oil and Storage Co., Ltd.* v. *Continental Contractors, Ltd., and Others* [1929] A.C. 88, the respondents (who were originally the plaintiffs) failed in their claim, which was dismissed with costs, and the appellants (who were originally the defendants) failed in their counter-claim, which was dismissed with costs. It was laid down by the House of Lords that, in such cases, the claim should be treated as if it stood alone, and the counter-claim should bear only the amount by which the costs of the proceedings have been increased by it. That is to say, the only costs which the plaintiffs can recover as the costs of the counter-claim are such costs as they have incurred by reason of the counter-claim and would not have incurred apart from the counter-claim. The House of Lords appreciated, however, that the principle above enunciated might work out apparently harshly in exceptional cases. The lordships made it clear that when any such hardship threatens to occur the remedy is to apply at the trial for special directions and issues and details, but that, in the absence of such special directions by the court, there should be no apportionment. In laying down the above rule, the House of Lords expressed their approval of the procedure adopted in the following cases. In *Saner* v. *Bilton* (1879), 11 Ch. D. 416, the plaintiff's claim and the defendant's counter-claim had been dismissed with costs. The question arose as to whether the defendant ought to pay only so much of the costs pertaining to the claim as were occasioned by the counter-claim, or whether the costs of all the proceedings which related to both claim and counter-claim should be apportioned. FRY, J., after consulting with some of the most eminent taxing masters of the day, took the view that the plaintiff having begun the litigation, and the counter-claim having only arisen in it as a consequence, the claim should be treated as if it stood by itself, and the counter-claim should bear only the amount by which the costs of the proceedings had been increased by it. Moreover, in such cases, said FRY, J., there should be no apportionment and no question with regard to the quantum arises. The foregoing decision was approved and followed by the Court of Appeal in Ireland in *Crean (James) & Son, Ltd.* v. *Steen (J.) and M'Millan* [1922] 2 Ir. 105. In *Wilson* v. *Walters* [1926] 1 K.B. 511, the plaintiff brought an action in the county court for damages caused by the negligent driving of the defendant's motor car. The defendant denied negligence and counter-claimed for negligent driving by the plaintiff. The county court judge gave judgment on the claim for the defendant with costs, and on the counter-claim for the plaintiff with costs. A dispute having arisen on taxation, it was held by the Divisional Court that the issues on the claim and the counter-claim were one and the same. The defendant was entitled to the costs of resisting the claim, and as to the counter-claim the plaintiff was entitled to such extra costs as he had incurred by defeating the counter-claim.

Non-transferable Railway Tickets.

A LONDON magistrate has expressed surprise that the return half of a railway ticket is non-transferable. Except for excursions, return tickets are now almost invariably double the price of single tickets, and, whether expressed to be non-transferable or otherwise, a railway company would hardly trouble who made use of the second half. It is conceivable, however (though not at all likely) that some regular practice might grow up of selling the return halves of excursion tickets. On such sale, of course, the company would carry an ordinary passenger at less than the ordinary single fare which he would otherwise pay, and so a sharper watch is kept. The law will be found discussed in "A Conveyancer's Diary," vol. 69, p. 674, where the case of *Langdon* v. *Howells* (1879), 4 Q.B.D. 337, is cited. In that case the purchaser of a return excursion ticket, expressly sold with the words "not transferable" endorsed on it, was held guilty of travelling without having previously paid his fare, with intent to avoid payment thereof, and the case was remitted to the magistrates, who had disagreed. There was a similar result in *Reynolds* v. *Beasley* [1919] 1 K.B. 215, in respect of the use of the return half of a non-transferable workman's

ticket. There is, of course, a great practical difficulty in such prosecutions in proving that the holder of the return half was not the original purchaser of the ticket.

The Registration Problem.

REGISTRATION SEEMS very much in the air just now, with opticians, chemists, architects, accountants, estate agents and even grocers agitating for better control of their professions or businesses. Some months since Sir THOMAS ROBINSON, M.P., Chairman of the Local Legislation Committee of the House of Commons, expressed the view that the time had come for accountants' registration, and we observe a repercussion of this in a discussion on the feasibility of "secretaries' registration," and, in the alternative, how secretaries would be affected by the provisions of an Accountants' Registration Bill. At their annual conference just held at Cambridge, the Incorporated Secretaries Association had an interesting debate on this important matter. Mr. ARTHUR DOWNER, Chairman of Council, in opening the discussion, remarked that from the General Medical Council it would be seen that the main objects of registration were the protection of the public, to enable the public to distinguish between the qualified and the unqualified, and to prevent the unfit from gaining access to the register, and to remove the unworthy from it. To secure registration for their profession there would have to be complete unanimity between the Chartered Institute of Secretaries and themselves in the drafting of a Bill, under which a general secretarial council would be constituted; and that Bill would have to define the qualifications, duties and functions of a secretary. The latter, to his mind, presented no easy task, because there were secretaries of public and private companies, as well as national, professional and trade organisations, also secretaries in private practice not definitely allied to one company or organisation. Mr. DOWNER later called attention to the fact that in Britain there were something like 95,000 limited liability companies, with a paid-up capital approximating £5,000,000,000. "Where public funds reach to such proportions there should be some protections against the consequences of ignorance, incompetence, deception and fraud by ensuring that the secretary was properly qualified," he added. We agree with Mr. DOWNER, as with others who have pursued inquiries into the prospects of registration measures, that there is a long and thorny path to tread, but this should not deter the professional bodies from examining each successive scheme on its particular merits. Indeed, it is their duty to do so.

R. *v.* Tharp.

IN MENTIONING registration, it appears relevant to draw concurrent attention to *R.* v. *Tharp*, tried at the September sessions of the Central Criminal Court. The accused, an estate agent, and formerly a solicitor, was sent to three years' penal servitude by Mr. Justice HAWKE for the all too familiar offence of "converting to his own use and benefit money belonging to clients." The fact that THARP had been a solicitor may account for the length of the sentence imposed, for we observe that, in a number of cases heard within the past two or three years, "auctioneers" or "estate agents" so convicted have usually received not more than nine months in the second division. But the superior integrity presumably expected by the law of solicitors is not the main point on which we desire to comment. Mr. H. D. ROOME, counsel for the prosecution in *R.* v. *Tharp*, said that "some of the matters were inquired into by The Law Society after a hearing at which accused was represented, and he was struck off the rolls, so was no longer a solicitor." We have reason to believe that this instance of an ex-solicitor immediately taking up "estate agency" is by no means singular, and we thus consider this aspect of affairs should not be lost sight of either by The Law Society or by the estate agents' organisations when considering the desirability or otherwise of applying registration to the latter profession.

Criminal Law and Police Court Practice.

THE DEATH PENALTY.—The following from the *Evening Standard* of a hundred years ago prompts reflections upon the whole question of capital punishment:—

> "At the Old Bailey to-day, the Recorder passed the awful sentence of death upon 21 prisoners found guilty of forgery, stealing, and housebreaking. He addressed them in a very solemn manner, and exhorted them to be prepared for their fate, which they must regard as inevitable."

We all know that when it was proposed to abolish hanging for small larcenies many wise and learned authorities, including judges and bishops, were aghast. No one's property would be safe, they said. Lord ELDON wept upon the woolsack. To-day there are but few capital offences, and, for all practical purposes, hanging for murder is the only form of capital punishment with which we in England need concern ourselves. The abolition of the death penalty for various crimes was not, in fact, followed by the alarming increase in those offences which the opponents of abolition had confidently prophesied; in most cases they actually decreased in number. The question is therefore being asked to-day: If capital punishment for murder were abolished, would murders increase? The subject is ripe for discussion, since there is a growing feeling of revulsion against what many people, and those not sentimentalists, regard as a relic of barbarism.

ONE WAY WITH THE JOY-RIDER.—A chauffeur who took his master's motor car for a joy-ride into the country and drove it into a ditch was sued in a county court last week and ordered to pay £46 damages and costs. Unfortunately, not many employers would think it worth the time and trouble to bring an action in these circumstances, because in most cases the recovery of damages is unlikely. But inasmuch as the joy-rider, whether he be chauffeur or stranger, is often reckless or incompetent, damage often results. To prove an offence of wilful and malicious damage is usually impossible. In framing any legislation to deal with the joy-riding nuisance, however, it might be possible to insert a provision that damages sustained through the action of a joy-rider should be recoverable in a criminal court and enforced, as if they were a fine, by distress or imprisonment without proof of means. Joy-riding really ought to be something more than a civil wrong, and its consequences should be visited with penalties rather than civil damages.

PROBATION CRITICISED.—In binding over a woman at the Central Criminal Court last week, the learned Common Serjeant said that he rarely placed people on probation; he liked to get them out of the criminal atmosphere at once. We take this to mean that his view is that supervision by a probation officer prevents the offender from getting rid quickly of the atmosphere of the court and of forgetting the past. A good probation officer, however, will contrive to demonstrate that he is first and foremost a friend and helper; only if the probationer shows signs of backsliding does the shadow of the court re-appear in the background. Many offenders are quite unfit to stand alone for a time, and if the probation officer is to help he can do it best if he has in reserve, not to be obtruded save in case of need, the authority given him by an order for supervision. Between being sent to prison, where control and supervision are strict and constant, and being sent home scot free, is the halfway measure of probation with supervision. We do not believe that many probationers feel that supervision preserves the criminal atmosphere at all.

Mr. Henry Jonas, of Portley Wood, Whyteleafe (Surrey), and of Messrs. Drivers Jonas and Co., surveyors, Charles-street, S.W.1, left estate of the gross value of £12,543.

The Landlord and Tenant Act, 1927

THE RIGHT TO COMPENSATION FOR IMPROVEMENTS.

By S. P. J. MERLIN, Barrister-at-Law.

(*Continued from* 73 Sol. J., p. 621.)

III.

When a tenant, who is contemplating making an improvement to his premises under the provisions of this Act, is being advised as to his legal position, it should be remembered and he should be warned that in some circumstances, over which he has no control, he may find himself unable to recover any compensation at all in respect of his outlay on his proposed improvement.

Change of User.

Where a landlord intends to change the user or rebuild the premises he obviously may be no gainer by the improvement. The statute provides a safeguard for the landlord in such circumstances in sub-s. (2) of s. 1, which lays down that in determining the amount of such net addition as aforesaid, regard shall be had to the purposes for which it is intended that the premises shall be used after the termination of the tenancy, and if it is shown that it is intended to demolish or to make structural alterations in the premises or any part thereof or to use the premises for a different purpose, regard shall be had to the effect of such demolition, alteration or change of user on the additional value attributable to the improvement and to the length of time likely to elapse between the termination of the tenancy and the demolition, alteration or change of user.

In the absence of agreement between the parties, all questions as to the right to compensation under this section, or as to the amount thereof, shall be determined by the tribunal hereinafter mentioned, and if the tribunal determines that, on account of the intention to demolish or alter or to change the user of the premises no compensation or a reduced amount of compensation shall be paid, the tribunal may authorise a further application for compensation to be made by the tenant if effect is not given to the intention within such time as may be fixed by the tribunal (see sub-s. (3)).

It may be seen from the above provisions that the policy of the Act has been to give the tenant compensation for those improvements—and those only—which benefit the landlord at the end of the lease. It has throughout, as here, closely guarded the landlord from any undue liability to pay for improvements which do not actually enure for his advantage. In other words, the landlord is not compelled to pay for improvements which are useless to him, by reason of the fact that he intends to demolish or alter the premises, or change their user.

If the landlord utilises the improvements partially or wholly he will pay what the tribunal considers proper in the circumstances. But the Act is not founded on the basis of providing the tenant with compensation for all the improvements he may make, irrespective of whether they have advantaged the landlord. The measure of the tenant's right to compensation is the value of the advantage he has handed over to the landlord at the end of the tenancy, and generally speaking it is only where the landlord is able to reap what the departing tenant has sown that the landlord will have to pay.

Amongst other cases contemplated by these sub-sections are genuine conversions and developments of property (frequently arranged when a number of leases of adjoining properties concurrently fall in) in which old, small and inconvenient premises will be demolished and large blocks of shops, offices or flats will be put in their place. It is obvious that such "improvements" as existed in old premises such as would be demolished here would not be of any benefit to the landlord, and under these provisions he is exempted from liability to pay for them, and the tenant in these cases loses the right—which would otherwise exist—to receive compensation.

It should be noted that a tenant is not entitled to compensation in respect of any improvement made before the commencement of this Act or in respect of any improvement made less than three years before the termination of the tenancy. This latter provision was inserted in the Act to prevent a tenant, at the fag end of what might be a long lease, executing expensive improvements which might entail in some cases undue liability on the landlord.

In some cases which have occurred the landlords have agreed to bear the cost of the improvements in consideration of the tenants agreeing to pay an increased sum as rent. This is a policy which might be considered an advisable one in a great number of cases, as it often benefits both parties. The tenant saves an outlay from his working capital and avoids the considerable risk of not getting his money back at the expiration of his lease. The landlord, on the other hand, immediately obtains a higher rent for his property, and if he intends selling he has a higher rental on which to base his selling price, and, moreover, has no incumbrance on his title in the shape of a claim for improvements when his reversion expectant will fall in. One of the results of this Act has been that prospective purchasers otherwise desirous of purchasing business premises have often been deterred from doing so by reason of the uncertain position arising out of possible claims by tenants in respect of improvements and goodwill or new leases in lieu thereof.

There is one point which might be noted by practitioners concerned with the interests of landlords. In a large proportion of leases there is a covenant by a tenant not to execute any alteration or additions whatsoever to the premises. If the lease containing this covenant is dated before the 8th day of February, 1927, it may be that the landlord can resist any application by a tenant for leave to execute an improvement under this Act by virtue of the terms of s. 9, which lays down that "this part of this Act shall apply notwithstanding any contract to the contrary, being a contract made at any time *after* the 8th day of February, 1927:

"Provided that, if on the hearing of a claim or application under this part of this Act it appears to the tribunal that a contract made after such date as aforesaid so far as it deprives any person of any right under this part of this Act, was made for adequate consideration the tribunal shall in determining the matter give effect thereto."

The above section contains the modified provisions against contracting out to which the two Houses of Parliament eventually agreed after considerable discussion.

The date given in the section, viz., the 8th February, 1927, was the date of the King's Speech when the Bill was promised and notice was thereby given of its proposals.

The effect of these provisions as they stand is, that subject to the proviso the rights of a tenant created by this Act cannot be excluded by any future contract nor by any contract *after* the said date in February, 1927. But any lease or contract made before then *which may perchance contain provisions excluding the operation of any such legislation as is in this Act would still be valid*, although it is not easy to reconcile the explicit provisions of this s. 9, as to contracts made before the 8th of February, 1927, with the concluding words of s. 3, sub-s. (4), which lays down in effect that the tenant may execute improvements where the tribunal certifies them to be proper improvements, notwithstanding "anything in any lease of the premises to the contrary."

BASIS FOR REDEMPTION OF TITHE RENT-CHARGE.

The Minister of Agriculture and Fisheries gives notice that for the purpose of the redemption of tithe rent-charge for which application is made after the 30th September, 1929, until further notice, the compensation for redemption will be twenty-one times the net amount of the tithe rent-charge after the deductions prescribed by the Tithe Acts, 1918 and 1925, have been made.

The Assessment of "Buildings" under the Rating and Valuation Act, 1925.

Two very interesting and important questions as to the assessment of buildings under the R. & V.A., 1925, were argued before a Divisional Court consisting of the LORD CHIEF JUSTICE and AVORY and BRANSON, JJ., on the 23rd July, on a case stated by the Appeal Committee of the Bedfordshire Quarter Sessions arising out of an appeal, *Godber* v. *Assessment Committee for Bedford Area*. The case does not seem to have been reported in any of the usual legal journals, possibly because, following somewhat unfortunate precedents, the court deliberately left undecided one, and perhaps the more important, of the legal questions which arose. The present writer has been favoured with a sight of a copy of the transcript of the shorthand writer's note of the judgments printed by order of the assessment committee.

Before, however, considering this, it will be well to refer to the material provisions of the Act and give a rough outline of the facts.

Section 22 of the Act deals with the ascertainment of rateable value. The effect of sub-s. (1) of this section is that if the hereditament in question belongs to one of the classes specified in the first column of the table contained in Pt. I of the 2nd sched. to the Act a gross value must first be ascertained, and from that has to be deducted the amount specified in the schedule as appropriate to the class to which the hereditament belongs, commonly referred to as the statutory deductions, and the resulting figure is the net annual value. The statutory deductions for the first two classes in Pt. I have been increased for the first quinquennial period by the R. & V.A., 1928, but the alteration in no way affects the questions under consideration.

The gross value it may be mentioned is the rent which might be reasonably expected from a yearly tenant who had to pay usual tenant's rates and taxes and tithe rent-charge (if any), the landlord paying the cost of repairs and insurance and all expenses necessary to maintain the hereditament in a state to command that rent. Thus, whether a house, for example, be built of stone and roofed with slates, or on the other hand be built of wood and roofed with corrugated iron, the amount of deduction for similar gross value is the same, though the cost of maintenance may be much less in the one case than in the other.

On the other hand, if the hereditament does not fall within one of the classes enumerated in Pt. I of the second schedule, sub-s. (2) provides in effect that the net annual value (to be ascertained without reference to any gross value) is the rent that might reasonably be expected from a yearly tenant who had to pay all the outgoings and expenses of maintenance (including insurance) necessary to keep the hereditaments in a state to command that rent.

In both cases the rateable value is the same as the net annual value, unless the hereditament falls within Pt. II of the second schedule (agricultural land—which incidentally includes land used as a market garden—agricultural buildings, market garden buildings, tithe rent-charges, etc.), in which latter case certain further deductions have to be made from the net annual to arrive at the rateable value.

Now there are eight classes in Pt. I of the schedule. Classes (1) to (5) differ only as to the amount of gross value, the material words in each class being the same, viz. "Houses and buildings without land other than gardens." Class (6) is "Land (other than agricultural land) valued together therewith as one hereditament." Class (7) is "Land (other than agricultural land) without buildings." Class (8) is "Agricultural land."

Part I of the schedule contains a footnote (forming part of the statute) "For the purposes of this Part of this Schedule the expression 'houses and buildings' does not include mills, manufactories, or premises of a similar character, used wholly or mainly for industrial purposes . . ."

It should further be mentioned that under one of the many series of statutory rules issued under the Act—The Form of Valuation List Rules, 1926—it is provided (r. 5) that separate entries are to be made throughout columns 1—10c of the Valuation List in respect of a farmhouse, agricultural buildings and agricultural land in the occupation of one person. Column 7 is headed "gross value where required to be ascertained."

Coming to the facts of the case of *Godber* v. *Assessment Committee for Bedford Area*; the appellant to the Appeal Committee of the Quarter Sessions was a market gardener owning and occupying rather more than 13 acres of land on which were erected a dwelling-house, numerous glasshouses heated by boilers, a workshop and other small buildings used in connection with his business of a market gardener, mainly the growing of tomatoes and chrysanthemums, some of the latter being grown in the open. This property was inserted (and to this extent properly inserted in accordance with the statutory rules) in the draft valuation list as three hereditaments—(1) glasshouses and premises; (2) land; and (3) house and premises. Objection was taken only to No. (1). The assessment committee confirmed an assessment which included a gross value and a net annual value arrived at by deducting the statutory percentage from such gross value. The actual figures are immaterial to the argument, but it may be mentioned that at the hearing before the assessment committee the appellant's valuer put the net annual value at something less than one-third of that given by the assessment committee's valuer. Allowing for the usual difference of experts, a large part of the enormous difference in this particular case was due to the fact that the assessment committee's valuer took a gross value from which he deducted merely the statutory percentage, whilst the appellant's valuer arrived at the net annual value under s. 22 (2) by considering the rent a tenant would pay who had to bear the whole cost of maintenance, the latter admittedly being more than the statutory deduction from gross value. Eminent counsel appeared on either side and argued the vital question of gross value, or no gross value.

Now there were two points on which the argument for no gross value mainly turned. If there was to be a gross value for the buildings in question they must obviously fall within one of the first five classes of Pt. I of the schedule, in this case Class (5), "Houses and buildings without land other than gardens where the gross value exceeds £100." The appellant's (Godber's) counsel contended first that a building without a house did not come within the expression quoted. "Where," he said, "is the house?"; secondly, that this was not a case of a building without land, as admittedly, land was occupied with it, though not valued with it for assessment purposes. The respondent's (the assessment committee's) counsel, on the other hand, contended that the expression "houses and buildings" was equivalent to "houses and/or buildings," and it decidedly was a case of "buildings without land," as admittedly the buildings were properly entered and valued as a separate hereditament under the statutory rules.

After a very long hearing, the Appeal Committee fixed a rateable value slightly higher than that contended for by the appellant's valuer, and decided that no gross value was required. On this latter point the members of the Committee wisely gave no reasons for their decision.

On the application of the assessment committee a case was stated on the legal point at issue, whether a gross value of the glasshouses was required to be ascertained.

To those familiar with the law relating to assessments in London it would naturally occur that the analogous schedule to the Valuation (Metropolis) Act, 1869, might have a bearing on the question. This schedule, however, differs in vital points from the 2nd Sched. to R. & V.A., 1925. In the former

Class (1) is defined as "Houses and buildings *or either of them*, without land other than gardens where the gross value is under £20." Classes (2) and (3) comprise "House and buildings without land other than garden and pleasure grounds valued therewith for the purpose of inhabited house duty" (a dwelling-house therefore being an essential ingredient of each class). Classes (4) and (5) comprise "Buildings without land which are not liable to inhabited house duty." Class (6) is "Land with buildings not houses." Moreover, for the purpose of the Metropolitan valuation lists to come into force on the 6th April, 1931, this last-mentioned schedule has been superseded by a schedule in the R. & V.A., 1928, in which latter the wording of the schedule of the Act of 1925 has been adopted, viz., "Houses and buildings without land other than gardens," and the words "or either of them" have been omitted.

It appears from the judgment in the High Court that it was argued on behalf of the respondent (the appellant in the court below) that the absence of the words "or either of them" in the schedule to the R. & V.A., 1925, showed an intention that the expression "houses and buildings" should exclude buildings without houses. On the other hand, counsel for the assessment committee drew the attention of the court to various cases in which the question had been considered whether and in what circumstances "and" might be treated as "or," and argued that the word "houses" and the word "buildings" must in the phrase in question be treated disjunctively and not conjunctively.

In the result, however, their lordships decided the case on the question of the construction of the words "without land other than gardens." It was, of course, argued for the assessment committee that these words meant houses and/or buildings which under the Act and statutory rules were properly inserted in the valuation list as separate hereditaments without land (other than gardens). On the other side, it was argued that the expression "without land" meant "occupied without land," and considerable stress appears to have been laid on the description of Class (2) of the Pt. II of the schedule (which deals with deductions to be made from the net annual value of certain hereditaments to arrive at the rateable value). This class includes "Buildings (other than dwelling-houses) occupied together with agricultural land or being or forming part of a market garden . . . "

It was, of course, admitted that the glasshouses in question were buildings occupied with agricultural land and that they fell within Pt. II of the schedule, though how that could affect the construction of the words in Pt. I it is somewhat difficult to understand.

Each of the learned judges, however, expressed the view that the glasshouses in question could not be said to be "buildings without land," as they were admittedly occupied with agricultural land, and on that ground they were unanimous in confirming the decision of the Appeal Committee that no gross value was required and dismissing the appeal.

It is much to be regretted that the decision turned on this particular question only, and that no definite decision was given on the still more interesting and (it is conceived) more important question whether the word "and" is to be read as "and/or."

The LORD CHIEF JUSTICE, whilst refraining from expressing a decided view on the point, said that his mind distinctly inclined to the view that upon that part of the matter the assessment committee were right, and that the meaning of the phrase "houses and buildings" was not houses with or conjoined with buildings. BRANSON, J., also thought that if he had to consider the point he should hold that the phrase should be read rather in the sense of "houses and/or buildings," than in the sense of "houses with buildings," but he again expressly refrained from so deciding. AVORY, J., on the other hand, intimated that he felt the force of the argument based on the schedule to the Valuation (Metropolis) Act, 1869, which used the words "houses and buildings or either of them," but also refrained from expressing any decided opinion.

The inconclusive result of this case seems to point to the need for further legislation. All the case decides is that in the case of glasshouses occupied for market garden purposes with land, the net annual value is to be ascertained under s. 22 (2) by an estimate of the rent a tenant would give if he himself bore all the maintenance charges, and *not* by making a fixed percentage deduction from the assumed gross rental value if the landlord undertook all maintenance charges.

There can, it is thought, be no doubt that the framers of the Act intended the net annual and rateable values of such buildings as warehouses, shops and suites of offices to be ascertained in the same way as houses, i.e., by ascertaining the gross values (as was done previously to the Act), and making statutory deductions from such values, and such has been the view acted on by assessment committees generally. If, however (contrary to the inconclusively expressed views of the LORD CHIEF JUSTICE and BRANSON, J.), the expression "houses and buildings without land" does *not* include buildings without houses, then all the assessment committees in the country have been wrong, and in the absence of amending legislation, the assessments of all such hereditaments as last mentioned must be reconsidered. It is a great pity that the learned judges did not definitely decide that the generally accepted view was the right one.

But again trouble arises from the actual decision. If "buildings without land" means buildings occupied without land (and not buildings properly valued without the land with which they are occupied) what is the position, for example, of glasshouses occupied by persons growing fruit or vegetables for the market but without land. They are market gardens within the definition in Pt. II of the schedule to the R. and V.A., 1925, and in the R. and V. (Apportionment) Act, 1928. Are they to be valued on a different principle from glasshouses occupied with land, i.e., by taking a gross value and making the statutory reductions? If they are, then there would be great unfairness in assessment as between such buildings and similar buildings which are occupied with land.

Again the reasoning which applied to the decision in *Godber's Case*, would necessarily apply to all agricultural buildings which are occupied with land. Yet throughout the country they have been assessed by fixing a gross value and making the statutory deductions and then the further deduction of 75 per cent. required by Pt. II of the schedule to the R. and V.A., 1929. Would not the reasoning also apply to farmhouses, so as to make it improper to ascertain a gross value for them?

Take again the case of racing stables, or the kennels and stables of a master of hounds. Such buildings are usually, if not always, occupied with pasture land, which is within the definition of agricultural land. If the decision in *Godber's Case* is right, it would seem that they also would come under s. 22 (2), and no gross value should be ascertained.

Enough has been said in the instances given to support the contention that the decision of the Divisional Court has probably raised more difficulties than it has settled.

A Conveyancer's Diary.

Death Duties as affecting a Purchaser.

One of the matters which it is always necessary to bear in mind in examining an abstract of title is the incidence of death duties. Succession duty is a charge upon the interest in respect of which it is payable, and when a successor is competent to dispose of the land is a charge on the property itself (Succession Duty Act, 1853, s. 42; Finance Act, 1894, s. 18 (1)). Estate duty is also a

charge upon the land in respect of which it is payable (Finance Act, 1894 (c. 30), s. 9 (1)). It is therefore necessary for a purchaser to be satisfied that such duties have been discharged or to obtain a sufficient indemnity against them.

A purchaser is not concerned, however, to enquire as to duties after the expiration of six years from either the date of notice to the Commissioners of Inland Revenue that the successor has become entitled in possession ; or after two years from the payment of the last instalment, where the successor has elected under the Customs and Inland Revenue Act, 1888 (c. 8), s. 22, to pay in moieties ; or in the absence of any such notice or payment after twelve years from the happening of the event giving rise to an immediate claim for duty (Customs and Inland Revenue Act, 1889 (c. 7), s. 12).

These provisions are extended to estate duty by the Finance Act, 1894 (c. 30), s. 8.

Therefore, after twelve years from the date of the death giving rise to the claim for duty, a purchaser is not generally concerned to see that the succession or estate duty has been discharged.

In other cases not coming within the above exceptions proof of payment of the succession duty should be required by calling for the production of the receipt, and, in the case of estate duty, a certificate that the duty has been discharged under the Finance Act, 1894 (c. 30), s. 11 (1).

What has been said so far applies only to duties arising upon a death taking place before the 1st January, 1926.

As to the duties arising on or after that date, the provisions of the L.C.A., 1925, and the L.P.A., 1925, must be remembered.

By s. 10 (1) of the L.C.A., there is included as a charge which may be registered as a land charge under Class D (i) :—

> " Any charge acquired by the Commissioners of Inland Revenue under any statute passed or hereafter to be passed for death duties leviable or payable on any death which occurs after the commencement of this Act."

And by s. 13 (2) of the same Act a land charge of (*inter alia*) Class D created or arising after the commencement of the Act shall be void as against a purchaser of the land charged therewith or any interest in such land, unless the land charge is registered in the appropriate register before the completion of the purchase.

That provision alone would seem to be sufficient to exonerate the land in such a case in favour of a purchaser, but there is an express provision giving protection to a purchaser in the L.P.A., 1925. Section 17 (1) of that Act provides that—

> " Where a charge in respect of death duties is not registered as a land charge a purchaser of a legal estate takes free therefrom, unless the charge for duties attached before the commencement of this Act and the purchaser had notice of the facts giving rise to the charge."

The protection afforded by these provisions is, it will be noticed, only extended to a " purchaser," which means a purchaser in good faith for valuable consideration and includes a lessee mortgagee or other person who for valuable consideration acquires an interest in property (L.P.A., s. 205 (1) (xxi)).

It follows that (except in the case of registered land to be mentioned later) so far as concerns duties arising on or after the 1st January, 1926, a purchaser need only search the register of land charges. If no charge for the duties is registered he will be safe in completing, although he has notice that a claim has arisen and has not been discharged.

So far as regards registered land, an alteration in favour of a purchaser is made by the L.R.A., 1925, s. 73 (1), which enacts that—

> " A registered disposition in favour of a purchaser shall operate to vest in him the estate or interest transferred or created by the disposition free from all claims of His Majesty for death duties notwithstanding that notice of a claim may be noted on the register under this section."

By sub-s. (2) of the same section it is provided that a disposition to any person other than a purchaser shall take effect subject to any charge for payment of death duties and the interest thereon, whether notice of a claim for the duties is entered on the register or not.

Therefore, in the case of registered land a purchaser is not concerned to enquire regarding death duties (whenever arising) and this is so although notice of the claim for duty is entered on the register.

On the other hand, a disposition in favour of a person other than a purchaser will take effect subject to the duties, whether any notice is entered on the register or not.

A purchaser of registered land is therefore in a more favourable position than a purchaser of unregistered land, even in respect of claims for duties arising after 1925, because he can ignore claims for duties altogether, whereas a purchaser of unregistered land can only disregard such duties if, on searching, he finds that the claim has not been registered as a land charge. As to duties arising on deaths prior to 1926, a purchaser of unregistered land is in the same position as before.

Landlord and Tenant Notebook.

Law of Landlord and Tenant—Summary of Decisions— (*continued from* p. 610).

In *Smart Bros. Ltd.* v. *Holt* (45 T.L.R. 504), a Divisional Court had to consider whether goods were to be regarded as being comprised in a hire-purchase agreement so as to except them from the immunity against distress conferred on a stranger's goods.

In such cases, a great deal depends upon the wording of the clauses in the hire-purchase agreement, and in the above case the material clause was in the following terms : " In case of any breach of any term hereof the owners may . . . by written notice . . . forthwith and for *all* purposes absolutely determine and end this agreement and the hiring thereby constituted and thereupon the hirer shall no longer be in possession of the goods with the owners' consent nor shall either party thereafter have any rights hereunder but such determination shall not discharge any pre-existing liability of the hirer to the owners."

The hirer fell into arrear with his instalments, and the owners served a notice upon him, terminating the agreement. The goods, subject to the hire-purchase agreement, were subsequently distrained upon by the landlord for arrears of rent.

The Divisional Court, distinguishing *Jay's Furnishing Co.* v. *Brand & Co.* [1915] 1 K.B. 458, and *Hackney Furnishing Co.* v. *Watts* [1912] 3 K.B. 225, held that the goods at the material date could no longer be regarded as being comprised in a hire-purchase agreement, and that accordingly the landlord was not entitled to distrain upon them.

The decision of the Divisional Court appears to have been based on the fact that, at the material date, the hire-purchase agreement had been determined *for all purposes*, and that the hirer thereafter was no longer in possession of the goods with the consent of the hiring company, and that there was no longer any contractual obligation subsisting under the agreement relating to the chattels.

The following extracts from the judgments should be noted : " It appears that according to the natural meaning of the words goods could only be described as being comprised in a hire-purchase agreement if there was at the time a hire-purchase agreement relating to them which was in force and by which the rights of property and possession in them were regulated. . . . The notice put an end to the agreement, leaving the plaintiffs with no right to repossess themselves of the goods under any special power granted by the agreement. . . . The above clause on the contrary, though providing that rights of a personal character such as claims for arrears of rent shall remain, has the effect of removing the goods from the ambit of the agreement ; the goods remain the property of the plaintiffs, but the licence to the hirer has been revoked by the notice given under the agreement. The

plaintiffs had after the notice only such rights as flowed from their position at common law, that is, such rights as the owner of goods has against a person who no longer has a right to the possession of the goods and who is holding without the owner's consent."

(2) Decisions under the Rent Restrictions Acts.

In *John Lovibond & Sons Ltd.* v. *Vincent*, 45 T.L.R. 383, the very important question as to whether a statutory tenant could assign his interest by will was considered by the Court of Appeal, who were of opinion that no such right was given to a statutory tenant.

Scrutton, L.J., pointed out that under the Rent and Mortgage Interest (Restrictions) Act, 1923, the statutory tenant had no right to assign his interest *inter vivos*, and that according to the authorities such as *Keeves* v. *Dean* [1924] 1 K.B. 685; *Roe* v. *Russell* [1928] 2 K.B. 117, the right conferred on a statutory tenant was a purely personal one, with which he could not part, and that inasmuch as he could not assign his interest *inter vivos*, he was equally precluded from assigning it by will.

In *Middlesex County Council* v. *Hall*, 45 T.L.R. 474, the meaning of "suitable alternative accommodation" for the purposes of s. 4 (5) (1) (*e*) of the Rent and Mortgage Interest (Restrictions) Act, 1923, was considered. In this case the landlord was a local authority, who required possession for the purpose of the execution of certain statutory duties. The tenant occupied the premises partly as a dwelling-house and partly as a tea shop, and was offered by the local authority alternative accommodation, which was suitable as far as dwelling-house accommodation alone was concerned, but no alternative accommodation suitable for the tea-shop business carried on by the tenant was offered. It was held that the local authority was entitled to possession, since the landlord was required by the Act to offer alternative dwelling-house accommodation only. See also *Wilcock* v. *Booth*, 36 T.L.R. 213; a decision to the same effect but under a previous Rent Restriction Statute, i.e., the Increase of Rent, etc. (Amendment) Act, 1919.

Our County Court Letter.

THE CONTRACTS OF TURF COMMISSION AGENTS.

The conditions under which the above may be enforceable were considered in the recent case of *Collins and Chaytor* v. *Bell*, at West London County Court, the plaintiffs' claim being for £59 1s. 4d. as (1) money due for unpaid debts, or (2) the like sum under an agreement, or (3) damages for breach of agreement. The defendant denied the agreement, and relied upon the Gaming Acts, but the plaintiffs contended that there was a new agreement, viz., a verbal contract with the defendant entered into on their behalf by the secretary of the National Turf Protection Society. The secretary had had a complaint of the non-settlement of the above claim, and he therefore interviewed the defendant, who stated that he was under liability to other bookmakers, that he had never been warned off, and would not like to be, but that if he were given time he would see the secretary within two months, when he anticipated being able to pay the £9 odd, if not the full amount. The defendant's promises at the interview were embodied in a subsequent letter, to which there was no reply, and—by reason of his promise to pay—the defendant was not taken before Tattersall's Committee. The defendant's case was that at the interview the secretary threatened to report him, but he had replied that as he could not pay he would not be affected by proceedings. There had been no promise to see the secretary in two months, or to pay £9 or any other sum on account, but he had mentioned £400 due to himself which the secretary hoped to recover. There had been no reply to the letter setting out the terms of the promise for the reason that the defendant did not consider it important, but His Honour Judge Hargreaves held that there was a new verbal contract between the secretary and the defendant, and judgment was therefore given for the plaintiffs with costs.

This decision followed *Buxton* v. *Cumming* (1927), 71 Sol. J. 232, in which the plaintiff claimed £1,000 under an agreement in writing. The parties had met at Ascot, where the defendant incurred liabilities to the plaintiff amounting to £1,089, and by reason of his non-payment the defendant was reported to the National Turf Protection Society. The secretary had endeavoured at an interview to persuade the defendant to agree to pay to avoid being reported, it being pointed out that he would be warned off in the event of his failing to comply with the order of Tattersall's Committee. The defendant had then agreed to pay by instalments, but although he gave no evidence it was contended on his behalf that the agreement was induced by the false representations of the secretary, as Tattersall's Committee would not hear complaints while legal proceedings were pending. Mr. Justice Swift held that there was no fraudulent misrepresentation and directed the jury that there was no defence to the claim, whereupon a verdict and judgment were given for the plaintiff with costs.

A case on the other side of the line was *Hyde* v. *Tyler* (1926), 70 Sol. J. 856, in which the plaintiff had backed a horse with the defendant for £10, and a dispute then arose as to whether the plaintiff was entitled to be paid the starting price (100 to 1) or whether there was an agreement that the limit should be 33 to 1. Tattersall's Committee decided that the amount due was £1,000, payable within seven days, and the plaintiff sued for this sum on the ground that the defendant had agreed to abide by the decision of the committee. Mr. Justice Horridge held that the only agreement was to refer to the committee the question as to the price of the bet, and that there was no further agreement to pay such sum as might be found due. Judgment was therefore given for the defendant, and the Court of Appeal agreed that there was no fresh consideration constituting a new agreement.

It was intimated in the last-named case that there was no desire to extend the decision in *Whiteman* v. *Newey* (1912), 28 T.L.R. 240, in which the Divisional Court had upheld the validity of a fresh consideration provided there were two agreements as mentioned above.

Practice Notes.

OVERTIME PAYMENTS TO FARM WORKERS.

The time from which the above should be calculated was recently considered at Chirbury, where an employer was summoned under the Agricultural Wages (Regulation) Act, 1924, for failing to pay the minimum wage. The case for the Ministry of Agriculture was that the workman was hired for the year at £40 (living in), but on account of his having often worked past 1 p.m. on Saturdays, he was entitled to arrears of wages. The defence was that the agreed payment for the year was £45, but although the man was supposed to start work at 7 a.m., he had never begun until 7.20 a.m. at the earliest. It was therefore contended that—as he had not completed his fifty-four hours by 1 p.m. on any Saturday—overtime should be reckoned from the completion of the fifty-four hours, and not from 1 p.m. The prosecution relied upon the Order of the Agricultural Wages Committee, which laid down that overtime was payable for all time worked after 1 p.m. on Saturday, and the contention was that the employer—having failed to arrange for the completion of fifty-four hours by the specified time—had become liable for overtime. Colonel S. D. Price-Davies, chairman, stated that the bench upheld the case for the prosecution, and the defendant was fined £1 and ordered to pay £10 arrears. This decision was based upon *Jones* v. *Harris* [1927] 1 K.B. 425, in which the Divisional Court held that the only permissible deductions were those authorised by the relevant Order. The employer was therefore not entitled to claim a set-off for board and lodging, a principle which is equally applicable to stoppages of pay for unpunctuality.

POINTS IN PRACTICE.

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Rating of Deer Park.

Q. 1734. A is the owner of a mansion adjoining which there are 300 acres of land known as X park. This land is let to B under a yearly agreement at a rack rent under the usual form of agricultural tenancy agreement. The agreement reserves unto A the herd of deer with the grazing rights for the same, and also reserves the right to A to use not more than six acres for rearing pheasants, and the right for A to ride in the park. B, the tenant, has received a demand for rates on the basis that the farm is a park, and not agricultural land. The main purpose of the farm is not to contribute to the residential or sporting amenities of the house. Is the local authority correct in assessing the land as a park? And if not, kindly quote authorities. Assuming the contention that the land is agricultural and not liable to rates so far as B is concerned, could an assessment be made against A on the land as a deer park on similar lines to cases in which the sporting rights are separately assessed from the land?

A. The question is one of fact, and the statement that the main purpose of the farm is not to contribute to the residential or sporting amenities of the house is hardly borne out by the evidence. On the facts disclosed, the local authority is therefore correct in assessing the land as a deer park. The rights reserved, however, are not such as could form the subject of assessment against A on similar lines to the separate assessment of sporting rights.

Mesne Landlord's Position on Extension of Sub-lease.

Q. 1735. A granted a lease to B for a period of twenty-eight years from the 24th June, 1922, determinable at the lessee's option at the end of the first fourteen years on six months' notice. B granted a sub-lease to C for twenty-one years from the 24th June, 1927, determinable by either party at the end of the first nine years. The leased premises are used for a business, and the object of the power to determine contained in the sub-lease was to enable B, if he decided to exercise his option contained in the head lease, to determine the sub-lease at the same time. The sub-lease was made before the Landlord and Tenant Act came into operation. B is anxious to determine his lease from A at the end of the fourteen years and wishes to know if his sub-tenant, C, gives him notice under the Act claiming a new lease or compensation he can still determine his own lease and pass on to A any liability he, B, may have. It appears to us that if C obtains an order for a new lease from B, B will not be in a position to exercise his option to determine his lease from A, or is the point covered by s. 5, sub-s. (11)? It is presupposed that A would prefer to retain B as his immediate tenant as being the more substantial and better able to observe and perform the covenants of the lease.

A. If C makes a claim, B can still determine his own lease and (under s. 8) pass on his liability to A, as the Act only renders it possible to extend leases where the lessee so desires, and does not go the length of forcing a new lease on an unwilling lessee. B's option to determine is therefore not affected, as the point is covered by s. 5 (11).

Member of Tenant's Family as Statutory Tenant.

Q. 1736. Mr. A, the tenant of a house covered by the Rent Acts, died in 1928 intestate. After his death his widow continued to occupy the premises at the same rental and she died some weeks ago. About two years ago (the parents being in failing health) a married daughter (Mrs. X) came to reside with the tenant for the express purpose of looking after the parents, and since the death of the widow Mrs. X has (under protest from the landlord) continued to reside in the house, and she contends that she is covered by the provisions of the Rent Acts. We do not think there is any question of sub-letting, certainly no sub-letting of any definite part of the house. The point that occurs is whether Mrs. X can claim to be included in the expression "member of the tenant's family" under s. 12 (*g*) of the 1920 Act. What steps can the landlord take to get the matter settled?

A. The only step the landlord can take is to commence proceedings, so that the matter "may be decided in default of agreement by the county court," as provided by s. 12 (*g*), *supra*. In *Fletcher* v. *Beardmore* at Stoke County Court, His Honour Judge Ruegg, K.C., recently made an order for possession in similar circumstances to the above. See the *Staffordshire Advertiser* for the 13th July, 1929.

Evidence for Maintenance Order.

Q. 1737. A and B are married and live in apartments with Mrs. S (a widow). Later, they leave and go to live in apartments with A's married sister, and while here a constable calls and leaves with A an affiliation summons addressed to B taken out by Mrs. S, charging B with being the father of the child with which she is then pregnant. A confronts B with the summons, who confesses his guilt, in consequence of which A refuses to live with B any longer and tells him so, and when B returns home from work next day he is refused admission by A's brother-in-law, acting under A's instructions. B is truly repentant and admittedly anxious to form a home once more, but A remains obdurate and refuses to resume cohabitation—in fact she has applied to be admitted as a poor person under the Poor Persons' Procedure Rules to take proceedings for divorce, and in the meantime takes out a summons charging B with neglect to maintain her and her two infant children. At the hearing before the magistrates it is proved by A that B admitted to her that he was the father of Mrs. S's forthcoming child and that a letter admitting the same fact and expressing an earnest hope that A would return to the writer, was in B's handwriting; that A refused to live with B in consequence, and refused him admission or caused him to be refused admittance to her sister's house where they were at the time, in apartments; it is proved by Mrs. S that she obtained an affiliation summons in which she charged B with being the father of the child she was expecting; that that affiliation summons was withdrawn, but she refused to say why and declined to admit anything further. The magistrates have adjourned their decision to consider whether the above facts entitle A to an order for maintenance, and we should be very grateful for your opinion with authorities (if any).

A. The wife would be entitled to alimony *pendente lite* in the High Court, on commencing proceedings for dissolution, and is practically endeavouring to obtain the same relief summarily. The magistrates are therefore entitled to make an order for maintenance, though there appears to be no reported decision on the point.

Recital that Parties taking an Assignment are entitled in Equity—Estoppel.

Q. 1738. A died in 1906, having by his will appointed B, C and D executors and trustees (who subsequently proved the will) and devised both real and personal estate to his trustees upon trust for B, his wife, for life, and on her death to his children. No power was given the trustees to purchase leasehold property. This they did in 1908 and such leasehold

property was assigned to B, C and D as joint tenants, but no mention was made of any trust. C died in 1914. In 1920 D was discharged from the trusts of the will and E, a son of A, was appointed in his place to act jointly with B. By a separate deed the leasehold property was assigned by B and D to B and E as joint tenants. There was a recital in this assignment that B and E had become entitled in equity as joint tenants to the leasehold property. B died in 1927, and E has contracted to sell as beneficial owner. The contract provides that the title shall commence with the lease followed by the assignment to B, C and D, and the purchaser shall not enquire into the intermediate title. The present beneficiaries under the will of A are now absolutely entitled. They are his children, E and Y and Z. The purchaser's solicitors have raised a requisition asking for an explanation of the assignment to B and E, and it is desired to answer this without bringing the irregularities on to the title. How should this be done? In case the purchaser's solicitors insist on the requisition, how can E make title as beneficial owner? He can only prove his beneficial ownership by bringing the trusts of the will on to the title, and the will, of course, contains no bequest of the after-acquired property.

A. The purchaser's solicitors should be informed that there is no need for them to go behind the recital, as B and D are bound thereby. Such recitals are of ordinary occurrence, even in documents not connected with mortgages: see "Davidson's Concise Precedents," 21st ed., footnote (*r*), pp. 395 and 396, and cases there cited. If the requisition is pressed and the facts disclosed to the purchaser's solicitors, it will, we think, not be possible for E to sell in the capacity of beneficial owner. E's duty as a trustee holding an improper investment is to sell and he could make title as a trustee in this manner.

Trust Corporation as Custodian Trustee.

Q. 1739. The X Co. Limited is a corporation having a place of business in England and empowered by its memorandum of association to undertake trust business and was incorporated and registered with limited liability under the Companies Acts, 1862 to 1886, having a share capital of over £250,000, of which over £100,000 has been paid up in cash.

(1) Is the X Co. Limited a "trust corporation" within the meaning of r. 30 (1) (*b*) of the Public Trustee Rules, 1912, as amended by the Public Trustee (Custodian Trustee) Rules, 1926? (See Companies Act, 1908, ss. 245, 249 (4) and 289 (2).)

(2) If not, what reason is there for the rule distinguishing between a company registered under the 1908 Act and a company under any earlier Act?

A. (1) The X Co. Limited is not a "trust corporation" within the above Rules.

(2) The reason for distinguishing companies registered under the 1908 Act and earlier Acts is not clear, but it may be that the memoranda and articles of some of the older companies are not adapted to present requirements, and the only method of compelling modernisation is to require re-registration, in which event the approval of the Registrar must first be obtained to the documents submitted for filing.

Position of Sub-tenant Holding over.

Q. 1740. A is the owner of a public-house and stables. He let the public-house to B on a yearly tenancy, subject to six months' notice, and the stables to C on a yearly tenancy, subject to six months' notice. A gave the necessary notices to B and C to terminate their tenancies, and then he let both the public-house and the stables to D on a yearly tenancy, subject to six months' notice. B vacated the public-house and D took possession thereof, but allowed C to continue in occupation of the stables without any agreement, and at the same rent. D then gave notice to A of his intention to quit the whole of the premises, and vacated the public-house. He did not, however, give any notice to C to terminate the latter's tenancy of the stables, and C continued in occupation thereof after D had vacated the public-house. A has now let the public-house and stables to E. Can A and/or E recover possession of the stables from C? If not, what notice is required, and by whom must it be served?

A. D created a fresh tenancy in favour of C, and C as sub-tenant was not affected by the voluntary termination of the tenancy of D, the mesne landlord, in favour of A, the superior landlord. See *Mellor* v. *Watkins* (1874) L.R. 9 Q.B. 400. Neither A nor E can recover possession from C, upon whom six months' notice must be served by E, as the present owner of the reversion of the stables.

Estate Agent's Commission.

Q. 1741. A B, the owner of a business and property, enters into a contract with C D, an estate agent, in the following form: "I, A B, herewith make agreement with C D that he shall sell for me my business and property at X for the sum of £Z or such sum that I agree to accept, and I will pay C D a commission of £Y on the sale (*whether sold by C D or by any other means*), also in addition. I agree to pay the sum of £5 towards advertising and incidental expenses. I appoint C D sole agent and agree to assist him all I can in the sale. C D undertakes to continue with the work until a sale is effected. Received copy of this agreement. Signed A B." The words in brackets in italics were struck out before the contract was signed. A B has now effected a sale himself and has paid to C D the sum of £5 for advertising. C D claims that he is also entitled to the agreed commission on the sale. Is A B liable for the commission? Reference to authorities will oblige. *Brinson* v. *Davies*, 27 T.L.R. 442 has been referred to, but is not quite in point.

A. The words struck out cannot be used to interpret those which remain (as to do so would be to permit a parol variation of a written contract), but in any case the words merely expressed that which is implied in the rest of the contract. The important words are: "I . . . agree to assist him, etc., etc.," and, as the agreement was not terminated before the sale, C D is entitled to the agreed amount—not as commission, but as damages for being deprived of the opportunity of earning the same. There appears to be no authority quite in point, but until the agent's authority is withdrawn, he is entitled to recover under the above document, the case turning on the special terms thereof.

Tenant's Widow Holding over.

Q. 1742. A in 1924 entered into an agreement with B (the lessee) to let certain premises to B on a weekly tenancy. The agreement is under hand only. B died about October last year, and on B's death A said to B's widow C, "as long as you pay the rent you can carry on." C continued to pay and A to receive the rent every week for some time. For various reasons A served C with a notice to quit expiring at the beginning of March last, and an action for possession was subsequently commenced in the county court, but C did not appear at the hearing. The judge stated that he was not satisfied that C was a weekly tenant, and suggested that she might, on general law, be a yearly tenant for want of a contract, and had adjourned the case for further evidence as to law and fact. What is the true position?

A. The terms of the tenancy are to be implied from the circumstances, and the submission should be made that the general law only implies a yearly tenancy when there has been a holding over, at the same rent, after the expiry of a lease for years. There has been no assignment of the weekly tenancy, but the terms of the new tenancy with C are to be implied from the facts, viz., that the parties contracted for a new tenancy on such of the terms of the old agreement as were applicable. The nature of the house should also be regarded, as if it is one of numerous weekly properties, no *prima facie* case can be made out for a yearly tenancy, if all the others are weekly. If one yearly tenancy would be a striking exception, the inference is that the parties contemplated a weekly tenancy.

THE LAW SOCIETY AT BOURNEMOUTH.

ANNUAL PROVINCIAL MEETING.

[By our Special Correspondent.]

The forty-sixth annual provincial meeting of The Law Society opened at Bournemouth on Tuesday last, the 1st inst., under the Presidency of Mr. W. H. Foster, LL.M., and continued during Wednesday and Thursday. The following members of the Council were among those who were in attendance, namely, Sir Roger Gregory (Vice-President), Sir Robert W. Dibdin, Sir C. H. Morton (Liverpool), Sir A. Copson Peake (Leeds), Sir Harry G. Pritchard and Messrs. C. E. Barry (Bristol), E. Bird, W. W. T. Brown, LL.B. (Liverpool), A. H. Coley, LL.D. (Birmingham), B. H. Drake, C.B.E., Richard Tanner (Chester), D. T. Garrett, B.A., Dennis Herbert, M.A., M.P., R. F. W. Holme, B.A., A. M. Ingledew (Cardiff), Charles Mackintosh, LL.D., P. H. Martineau, B.A., C. G. May, Col. S. T. Maynard, T.D. (Brighton), R. A. Pinsent, M.A., LL.D. (Birmingham), H. H. Scott, LL.B. (Gloucester), Walter M. Woodhouse and E. R. Cook (Secretary).

Reception.

On Tuesday evening the members and their ladies were welcomed by the Mayor and Mayoress (Alderman C. H. Cartwright, J.P., and Mrs. Cartwright) at the Town Hall.

Civic Welcome.

On Wednesday morning, the Mayor, wearing his chain of office, in a delightful speech said he understood that the attendance was a record one for the South of England. They were probably the most powerful trade union in the country, and he earnestly hoped that they would bring its great influence to bear on those who drew up Acts of Parliament to use simple language which the laity who had to comply with them could understand. Proceeding, he said the power given to Government Departments to vary statutes by orders was a dangerous departure. (Hear, hear.) It was tending to set up what they, as a liberty loving people, had always resented—namely, an unbridled and despotic bureaucracy. (Applause.)

Presidential Address.

The President then read his opening address as follows: The year in which I have the honour to become President of this Society coincides with the year which sees the close of Mr. Baldwin's second administration, and it may not be inappropriate if I make some reference to the legislation passed during his two administrations (from which, for convenience, I will not differentiate the nine and a half months during which Mr. Ramsay MacDonald was for the first time Premier). Let me first call attention to the quantity of legislation which Parliament has produced during those years (1923–1928). Applying the simple but inimpeachable test of the yard measure, I find that the bound volumes of statutes on my bookshelves for the years 1909 to 1914 inclusive occupy an average of 1¼ inches per annum; whereas for the years 1923–1928 inclusive they occupy an average of 2¼ inches per annum—just double. Or, alternatively, applying simple arithmetic, I find the following comparison: in the earlier period an average of 314 pages, and in the latter 728 pages per annum. As the Local Government Act, 1929, covers 183 pages, and the Companies Act, 1929, 293 pages, I think that the first half of 1929 will be well up to average.

I will mention some of the Acts of Parliament passed during the period 1923 to 1928, each of which fills more than twenty pages of the Statute Book, and which are of such a nature that we are bound to try and understand them. (I do not refer to such Acts as the Appropriation Acts)—

The Industrial Insurance Act, 1923	39	pages.
The Agricultural Holdings Act, 1923	47	,,
The Finance Act, 1923	27	,,
The Housing, etc., Act, 1923	32	,,
The Workmen's Compensation Act, 1923	25	,,
The Finance Act, 1924	31	,,
The National Insurance Act, 1924	50	,,
The Law of Property Amendment Act, 1924	136	,,
The Housing Act, 1925	101	,,
The Town Planning Act, 1925	22	,,
The Settled Land Act, 1925	117	,,
The Trustee Act, 1925	54	,,
The Law of Property Act, 1925	203	,,
The Land Registration Act, 1925	106	,,
The Administration of Estates Act, 1925	45	,,
The Administration of Justice Act, 1925	31	pages.
The Finance Act, 1925	32	,,
The Supreme Court of Judicature Consolidation Act, 1925	138	,,
The Widows and Orphans and Old Age Contributory Pensions Act, 1925	52	,,
The Public Health Act, 1925	51	,,
The Workmen's Compensation Act, 1925	52	,,
The Criminal Justice Act, 1925	42	,,
The Rating and Valuation Act, 1925	91	,,
The Finance Act, 1926	46	,,
The Finance Act, 1927	59	,,
The Poor Law Act, 1927	143	,,
The Moneylenders Act, 1927	22	,,
The Landlord and Tenant Act, 1927	29	,,
The National Health Insurance Act, 1928	31	,,
The Finance Act, 1928	37	,,
The Food and Drugs Adulteration Act, 1928	31	,,
The Companies Act, 1928	118	,,

We are supposed to know the statute law, and I sometimes wonder whether our legislators or our clients realise the additional burden thrown on our memories by this avalanche of new laws. As you know, the chief measure which occupied the late Parliament during its closing session was the Bill which afterwards became the Local Government Act, 1929. The remodelling of the whole system of local government was undoubtedly a meritorious undertaking, following on the tasks already accomplished under Mr. Baldwin's administrations of remodelling the law of property by the numerous Acts devoted to that purpose which were passed in 1925; the procedure of rating (by the Rating and Valuation Act, 1925) and the incidence of rating (by the Rating and Valuation (Apportionment) Act, 1928). This is assuming that the advantages of these measures outweigh their disadvantages, for it cannot be denied that there are some disadvantages which must attach to every demolition of old institutions.

The Act of 1929 is too young for us to be able to judge its effect, but the effect of the legislation of 1925 is already apparent. Let me call your attention to the Rating and Valuation Act, 1925.

The old Acts of Parliament which provided for rating procedure were undoubtedly illogical and full of ambiguities. But in fact they worked rather well, everybody professionally concerned with them understood them perfectly, and their ambiguities had all been disposed of by legal decisions over a long course of years obtained at the expense of ratepayers. By the Act of 1925 the old code of rating procedure is swept away, new phrases and definitions are introduced, new (and very numerous) ambiguities are created, and the ground is cleared for a fresh campaign of litigation to ascertain exactly what the Act means, as the sand of the circus is smoothed over after each act ready for the next performance. I am told there are pending hundreds of appeals under the Act of 1928 alone to determine the meaning of "industrial hereditament" within the meaning of that Act. In this generation at any rate it is we lawyers who are likely to be the chief gainers by this legislation. The main effect of it upon the public will be—and indeed is—increased expense. Much capital was made by the sponsors of the Bill which became the Rating and Valuation Act, 1925, of the fact that hundreds of rating authorities would be abolished; what was not always mentioned was that the authorities abolished were unpaid authorities, whose work is now done by paid officials. It is notorious that almost every rating authority and assessment committee has engaged a rating officer or valuer at a large salary, besides numerous other new paid officials. One is reminded of one of the reasons given for the introduction of the automatic telephone, that it will save the salaries of a large number of telephone girls. It is understood, however, that it will involve the employment of a larger number of skilled engineers at larger salaries.

I quote the following from a learned journal called "Rating and Income Tax," which, as its name implies, devotes itself to these subjects, and does so with great ability:—

> "This could have been done without all the fuss and bother and expense caused by the 1925 Act. Rating men have no cause to complain. The 1925 and subsequent Acts

have meant a very large and appreciable addition to what were previously very comfortable incomes, and have provided posts for a large number of gentlemen of knowledge and ability whose choice lies in the direction of office rather than in the running of a personal business. So we need not be critical on that result of the Act."

All these new expenses fall, of course, ultimately on the public as taxpayer and ratepayer. One cannot help wondering whether it would not have been better merely to consolidate the old Poor Rate Acts, which they certainly require, for they date back to the time of Elizabeth. Indeed, a Consolidation Bill for that purpose was introduced into the House of Commons by Sir Reginald Mitchell Banks, K.C., and read the first time on the 2nd April, 1924, but was not further proceeded with. It should be placed on the Statute Book without delay.

I hope I shall not be accused of levity if I quote some lines which are said to have been found written by some unknown humorist on his blotting pad after a meeting of an assessment committee sitting to deal with objections under the Act of 1928. I do this, not only because the lines are amusing, but also because I believe they are a genuine reflection of the way in which this legislation is regarded by the laity, and of the motives which they attribute to the legislature in passing these statutes and to our profession as to the way in which they are administered—

" O hear the sad, sad story of a man pursued by Nemesis,
For trying to reduce the rates upon his business premises.
He read the Act of '25, that famous Valuation Act
(Which now he WILL refer to as 'The Lawyers' Sustentation Act'),
And then the Act of '28, called 'Rating and Apportionment"
(Which now he calls the 'Statute of Additional Extortionment'),
And duly made objection, with his Counsel and Solicitors,
The Committee of Assessment sitting round like Grand Inquisitors;
Heard Counsel each submitting to the other side, 'with deference,'
That this or that contention was entitled to the preference;
It appeared of vast importance if his factory was 'contiguous'
(A point on which it seems the Act is just a bit ambiguous).
They argued that its user was not primal but 'ancillary,'
And they asked him lots of questions (which he said was like the pillory).
Unfortunately in the end his careful schemes all went awry,
And now he uses language which is quite unparliamentary;
Calls the Valuation Acts a blanky swindle (—it's been said before—)
For now his rates are just exactly double what he paid before."

It is evident that the hero of these lines failed through some technicality to get his factory comprised in the Special List under the Act of 1928, and one can appreciate his chagrin on finding himself deprived of the de-rating benefits which have been so widely advertised by politicians. It would also seem that his assessment had been increased under the Act of 1925—not an uncommon experience—and that the assessment committee declined to reduce it. Of course, it was open to him to appeal to quarter sessions on both these points, but one can imagine from his character as reflected in the lines I have quoted that he might not be disposed to put his hand in his pocket for the rather considerable expense which such proceedings always involve.

It was at any rate unfortunate that the expenses necessarily incidental to the uprooting of the laws of property, rating and local government should have been imposed on a helpless community just when it was being bled white by the taxation which is the most obvious " aftermath " of the war.

Apart from the expense which they entail, the chief objection to these enormous Acts of Parliament is the amount of Parliamentary time which they consume, thereby leaving less opportunity for Parliament to attend to many other matters which urgently call for its attention. There are many provisions on the statute book so unjust that it is hard to understand how they could ever have got there, or how any civilised Government could let a day pass without repealing them. I will give one or two instances.

The rate of estate duty depends upon the aggregation of all the property passing on the deceased's death. However fair this may be in many cases, in others it works the most grotesque injustice. Assume a man dies who has a life interest of £100,000 a year and a free estate of £5,000. Let us assume that the property in which he has a life interest passes to a distant cousin, whereas his free estate, consisting of £5,000, passes under his will to his widow. The £5,000 bears estate duty at the rate of 40 per cent., this rate being arrived at by aggregating with it the capital (which I assume to have been worth £2,000,000) in which he had a life interest. This grotesque rules works even more unjustly when estate duty is claimed in respect of gifts made by the testator within three years before his death. The rate of duty on such gifts is based on the same principle of aggregation. Assuming the testator just referred to had given—say two years before his death—1,000 guineas to an old servant in such circumstances that estate duty will be claimed upon it, the recipient of this gift is liable to be called upon to pay estate duty at the rate of 40 per cent., perhaps years after the gift has been spent. The necessity of altering this is not denied. Why has it not been attended to? Because Parliament has not had time. It was otherwise engaged. It was remodelling the law of local government.

The incidence of death duties gives rise to many other hardships, but they are very difficult to eliminate. Rapid successions to settled property, and fluctuations in value of commercial investments between death and probate, afford striking examples. I believe that in times of slump a large estate has been known to contract in market value to such an extent that before probate its value had fallen below the amount of the estate duty assessable upon it. This might happen in the example of the £5,000 free estate I have referred to without much difficulty if it happened to be invested in a speculative stock.

The Housing Act, 1925, by s. 46, provides that, where insanitary property is acquired by a local authority for the purpose of a housing scheme, it shall not be paid for, the site value of the land on which it stands being alone the subject of compensation to be fixed by the Official Valuer under the Acquisition of Land (Assessment of Compensation) Act, 1919. Even if the matter ended here, it seems an unfortunate kind of legislation. If Parliament intends to make it an offence to allow property to become insanitary, penalties should be enacted to that end. It is not the right way to penalise that offence by a provision that the property should be taken away without payment; because (*a*) there is no likelihood of the amount which the owner loses bearing any relation to the extent of his default, and (*b*) the penalty will only affect those few persons whose insanitary property happens to be in an area which is included in a scheme under the Housing Act. But the injustice by no means ends here.

The following is the procedure in connexion with slum areas by which in practice the section is applied. A scheme having been framed for the abolition of a slum area, an official map is prepared. On this map some of the properties to be taken are coloured blue and others are coloured pink. If a property is coloured blue (and, if the contention placed upon the section by the authorities is correct, it is hard to see why any property should be so coloured), the owner will receive compensation based upon the value of the whole property, both site and building. But if the property is coloured pink, then the owner will receive compensation based only upon the value of the site cleared of buildings. Thus, by the simple manipulation of a paint brush held in the nerveless fingers of the Minister of Health, guided by an irresponsible official, a man may be deprived of property without compensation. From this decision there is no appeal.

If this lamentable principle were applied only to insanitary property, it would be bad enough. But is it confined to insanitary property? By no means. The view of the authorities, which they frankly admit and for which they bitterly contend, is that for this purpose a property, however sanitary, is to be treated as insanitary if situate in an insanitary district. So a man may seek by his good efforts to improve a slum area by building there a modern and in every way desirable building, and having done so is liable to receive the insult of being treated as the owner of insanitary property and in addition the injury of being deprived of any compensation for the building, however valuable, which he has erected.

The section also requires the owner of the property, out of the reduced compensation payable to him, to pay the cost of re-housing persons of the working classes or to provide open spaces. One result of these provisions is that local authorities, unwilling to subject owners of property in their district to such gross injustice, shrink from putting into force their powers under the Act, and slum clearance is consequently delayed. The necessity of amending the law has been admitted on many occasions in the House of Commons by the Minister of Health. The last occasion was on the 18th February, 1929, in an answer given on that day to Sir William Bull, who was pressing for facilities to be given to a Bill which had been read a first time with that object. The reason given for not letting the Bill proceed was that there was no time. Parliament was otherwise engaged. It was remodelling the law of local government.

The Licensing Acts contain the very proper provision that, where a new licence is granted, the grantee should have to

pay to public funds what is called "monopoly value"—i.e., the value of the licence which he obtains. The licence so granted may be either a seven-day or a six-day licence. Presumably the monopoly value of a six-day licence is roughly six-sevenths of the monopoly value of a seven-day licence. If, with the full consent of the licensing justices and all concerned, it is desired to change an existing six-day licence (for which monopoly value has been paid) into a seven-day licence, it might be supposed that the monopoly value then payable would be about one-sixth of that paid originally on the grant of the six-day licence. But no; the Act is so framed that in such a case full monopoly value based on a seven-day licence must be paid, no allowance being made for the fact that a six-day licence has already been paid for. The same absurdity arises if an early-closing licence is changed into an ordinary licence. How can this possibly be defended by any principle of law, equity, logic, morality, theology, philosophy, or common sense? The desirability and necessity of the repeal of these absurd provisions is admitted by ministers, but the reason given why the matter is not attended to is because Parliament has no time. It was otherwise engaged. It was re-modelling the law of local government.

It is true the last Parliament did find time to pass an Act extending the franchise to young women. That was possibly a logical conclusion to Mr. Asquith's Act which first gave women the vote. But that was itself the negation of logic. The ostensible reason for it was that the war had shown women to be capable of doing all that men could do, and that therefore they should have a vote no less than men. True, women proved themselves competent as omnibus conductors, postmen, W.R.A.F's. and W.A.A.C's., and in other useful occupations. But they did not fight. No one ever suggested that they could or should fight. Yet the war showed that when things come down to bed rock, the liberty and security of the country depend ultimately on the men in the fighting line. The prospect—now not impossible—of a parliament of women resolving on a war to be fought by men is repugnant. The war killed women's right to vote. It should have put an end to the suffragette movement. Really it should have caused the franchise to be limited to men of fighting age, say from seventeen to fifty, conscientious objectors being, of course, disfranchised. By an extraordinary perversion of logic it was given the opposite effect. The result is that it is women who will in future be responsible for legislation and it is to that sex therefore that my remarks on the subject of Acts of Parliament should be addressed.

It is true that the Law of Property Acts passed in 1925 were passed with the privity and approval of The Law Society; it is true also that some of the recent Acts are Consolidation Acts, against which no criticism can be levelled. But, even after allowing for these two considerations, the fact remains that the output of legislation during recent years has been abnormal, and I plead for its cessation, or at least diminution. As a profession we are replete with this surfeit of legislation. We are suffering from acute indigestion. In popular language, we are "fed up," and I plead for a little time for digestion before the next meal is thrown at us. To make matters worse, these statutes are followed by an avalanche of ministerial orders, rules, regulations, circulars and memoranda, which fall thick as leaves in Vallambrosa and rival in volume and complexity the statutes themselves.

Indeed, to make matters worse in this respect, a body known as the Central Valuation Committee was set up by s. 37 of the Rating and Valuation Act, 1925. Its duties are advisory only. It has produced five small but substantial volumes entitled, "Series of Representations." The status of these Representations is somewhat anomalous, for they have no statutory effect and yet they cannot be altogether disregarded by the practitioner.

But there is one Bill which I should like to suggest to the new Parliament. I should call it "The Repeal Bill." It would contain but one clause, and that clause but ten words, as follows:—

"The enactments specified in the Schedule hereto are hereby repealed."

And in the schedule would be found a little list of enactments which "never would be missed." It would include the matters to which I have already called attention, and several others which will occur to all of you. Undoubtedly, it would be useless to attempt to deal as one would wish with the question of franchise, for in that matter there is no going back, at any rate until the men of fighting age, driven to desperation by feminine legislation, arise in their strength. But let us hope that at least the schedule will contain the putrefying remains of "Dora," the motor speed limit of twenty miles an hour, the provisions to be found in various Acts of Parliament giving a minister power to alter the Act, sub-s. (1) of s. 5 of the Mines (Working Facilities and Support) Act, 1923 (under which, as pointed out in *The Times* of the 12th August, 1929, the Mines Department, which probably means a clerk in that office, can prevent an application being made for the grant of a right to work minerals), and last but not least the Parliament Act, 1911. Constitutional Law is one of the most important branches of law, and, although the constitution of the House of Lords may be a matter rather for politicians than for lawyers, the powers of the House of Lords and the question whether the country should remain without an effective second chamber is a grave question of constitutional law on which we, as lawyers, are entitled to express our opinion.

It is indeed regrettable that the last Government did not see its way to take this one step—this bath in Jordan—the repeal of the Parliament Act.

This does not depend upon arguments as to the wisdom of the Parliament Act itself, but upon the mere instinct of self-preservation. Of course, such arguments exist in plenty. The Act was passed actually because the House of Lords threw out the Finance Bill of 1909, the chief provision of which was the imposition of the land duties. Those duties, imposed by the Act of 1910, were withdrawn some years later by their author, having proved unworkable and unprofitable. So, after all, in 1909 the Lords were right and the Commons wrong, and the Parliament Act should not have been passed. Q.E.D.

The provisions of the Act as to money Bills are the negation of common sense, and a misreading of history. The reason why the Commons were to be supreme in matters of taxation was to prevent the people being taxed by any authority, monarch or oligarchy, except their own chosen representatives. But under modern conditions the power of the Lords in connexion with money Bills has been used not to increase taxation, but to reduce it. The Lords were the sole protectors of the people against taxation imposed by the executive which is, in modern times, *ex hypothesi*, supreme in the Commons. To restore, therefore, the power of the Lords in relation to money Bills would be a direct measure of protection of the people, and not, as would be supposed from all the arguments on which the Parliament Act was based, an attack upon them. To be quite logical, the Lords should be prevented from increasing taxation, though in practice such a provision is unnecessary; but to forbid them to reduce or veto taxation is obviously against the interest of the people.

Before I leave the subject of provisions now standing on the Statute Book which ought to be obliterated, I must make reference in a few words to the provisions of s. 21 of the Finance Act, 1922, and ss. 31 and 32 of the Finance Act, 1927. The effect of those sections is that there is restriction, or at least severe discouragement, on certain companies storing up their resources, and an invitation to them, on the contrary, to expend them. The industries of this country have been built up in the past by traders husbanding their resources, and not spending all they earn. It is hard to realise that our legislators have been willing to impose conditions which have the effect of preventing or discouraging this. The provisions were introduced in order to prevent the use of company law to avoid payment of super-tax, particularly in cases where a rich man made over his investments to a company in which he held or controlled all the shares. No one could object to an attempt to prevent this, but the sections have been so drawn that the effect is not only to prevent the avoidance of surtax in the case of the millionaire's holding company (which, indeed, they often fail to do), but to discourage trading companies from husbanding their resources, and to impel them to distribute the maximum amount of dividend compatible with the minimum of safety. Taxation under these sections may be easy, as the profits are obvious; but so were the windows when the window tax—that classical instance of unenlightened legislation—was imposed.

If, in the opinion of the appointed officials, the proposed reserve made by a trader is too large, one is treated to the spectacle, which would be ludicrous were it not tragic, of the trader pleading before a Tribunal (which cannot possibly know his business as well as he does himself) for leave to be allowed to save his earnings, and not to be compelled to spend them. The penalty of making a mistake as to what view the Tribunals may take involves a pecuniary penalty of surtax on the whole of the profits; and the unfortunate trader, in determining the amount of his dividend, is left to guess at what their views may be. Uncertainty in such matters is itself one of the worst vices, and here certainty is an impossibility. Uncertainty is made worse by the fact that the taxpayer is liable to have his case heard twice over on questions of fact. This is the only case under the Income Tax Acts where the hearing before the Special Commissioners is not, so far as questions of fact are concerned, final; and it does not seem reasonable that in these cases alone it is open to the Crown to put the taxpayer to the expense and uncertainty of a second hearing before another

Tribunal if the Crown is dissatisfied with the view of the facts taken by the Special Commissioners. The result is that if the trader has guessed the right amount in the view of the Special Commissioners, but not enough in the view of the Board of Referees, he is penalised. Either the right to claim a re-hearing before the Board of Referees should be confined to the taxpayer, or else the decision of the Special Commissioners, in whom there is very general confidence, or some other special tribunal, should, as to questions of fact, be final. There is, of course—and rightly—always an appeal on a point of law to the High Court.

If it be impossible to amend these sections so that they do not apply to trading companies at all, then I say—speaking with all the responsibility of this chair, and from the experience of all of us who in our practice have advised companies under these circumstances—that the country is losing, and will increasingly lose, more by leaving on the Statute Book provisions which discourage thrift than it would ever lose by allowing a few rich men to reduce their surtax assessments.

I wish to repeat that any criticisms I have made as to the undue output of modern legislation has no reference to Consolidation Bills, which make our task easier. One such Bill was introduced by Sir William Bull in the last session of the last Parliament, namely, a Bill to consolidate the enactments relating to solicitors—a harmless, necessary measure if ever there was one. But some Members of Parliament seemed not to understand that a Consolidation Bill is a repetition of existing law, and contains no new provision whatsoever. I say they appear ignorant of this fact, because at one stage the Bill was objected to because it contained no provision in respect of defaulting solicitors. Of course, any such new provision would have been out of place in a Bill which simply reproduces existing legislation. I hope this Consolidation Bill will find its way to the Statute Book without further delay. But I take the opportunity of saying that the question of defaulting solicitors is receiving its due attention at the hands of the Society. Every flock has its black sheep, and I doubt if our profession has more than the average of other professions. The fact remains, however, that a defaulting solicitor can perhaps do more harm and cause more misery than most other professional men. It is not right that the profession should suffer for the misdeeds of an infinitesimal fraction of their number, but, at the same time, if any means can be devised which, while preserving that principle, will alleviate the result of the misdeeds of that small fraction, it will have the blessing of the Society. The matter has received the grave consideration of the Council for a considerable time, and members of the Society and the public may rest assured that the Council is leaving no stone unturned to deal with it.

The converse of what I have just been saying is to be found in the work which our profession is doing for poor people. It affords me great pleasure to refer to the very gratifying references to this work which have appeared quite recently in the report of the Departmental Committee presided over by Sir Claud Schuster on the extension of the district registries and assize towns at which poor persons work can be transacted. Fifteen additional district registries and eight additional assize towns have been recommended. By this means it will be possible to distribute the labours more evenly, and the words of encouragement and appreciation included in the report to which I have referred will, I am sure, not only be found acceptable by those who have lent their aid in the past, but will also induce many others to participate in future.

I must refer to one other important matter which has recently occupied our attention. At the Provincial Meeting at Eastbourne last year we heard a very interesting paper read by Mr. Drake advocating a scheme to provide pensions for our clerks. The matter has been taken up by the Council, and has so far progressed that a scheme has been prepared and submitted to the Provincial Law Societies and the Clerks' Societies. I hope that very soon the scheme will be adopted and that it will attract many adherents.

If, in spite of my plea, legislation of the kind which I have described is to continue, I urge that we should take a leaf out of the engineers' book and introduce some measure of standardisation. As instances I refer to the time within which notice of objection or appeal has to be given under the Rating and Valuation Act, 1925, the Local Government Act, 1929, and the Income Tax Act, 1918. Thus, under the Rating and Valuation Act, 1925, an objection to a draft valuation list must be lodged with the assessment committee within twenty-five days (s. 26); an objection to an alteration in the list must be given within fourteen days (s. 27 (2)); an objection to correction of any clerical errors in the valuation list must be given within seven days (s. 30); an appeal from a decision of the assessment committee must be within twenty-one days (s. 37 (8)); returns must be made within twenty-one days (ss. 40 and 41); inspection of the draft list must be made within twenty-one days (sched. 4); notice of appeal to Quarter Sessions must be given within twenty-one days (sched. 5); objection to an order made under s. 83 of the Local Government Act, 1929, must be given within four weeks; notice of appeal against an assessment to income tax must be given within twenty-one days (Income Tax Act, 1918, s. 136), whereas notice of appeal against an assessment to super-tax and now surtax has (under regulation) to be given within twenty-eight days. This list could be extended almost indefinitely.

What reason can there be for these arbitrary provisions which increase so immensely the burden on the practitioner's memory and the probability of a slip occurring? Why not in all cases fix the time by either the lunar or the calendar month, so that if, for instance, a decision is given on a Monday, one would know that notice of appeal must be served on that Monday four weeks; or, alternatively, if a decision is given on the first of May, one would know that notice of appeal must be given on the first of June. Another matter in respect of which reform would be welcome arises from an ambiguous phrase which is equally common in Acts of Parliament and in legal documents. I refer to the expression so many "clear days' notice," e.g., the provision in Articles of Association requiring seven clear days' notice of a general meeting. This phrase involves numerous questions. Is the day when the notice is posted to be counted? Is the day when it is received to be counted? Is the day of the meeting to be counted? What is the exact meaning of the word "clear"? So numerous and difficult are these questions that the wise practitioner treats the seven clear days as the equivalent of ten or at least nine, thus being on the safe side. Surely it is not beyond the wit of our draftsmen to invent some phrase such that, if seven days' notice is required, it should mean seven—i.e., notice should be given on a Monday for a meeting on the following Monday; and, if the intention is that the notice should be given on the previous Sunday or the Saturday or the Friday, the draftsman should call it eight, nine or ten days' notice, and not lull one into a sense of false security by mendaciously calling it "seven."

However, I have no hope at all that our legislators, of whatever sex, will deal even with such simple reforms as these. They will have no time. They will be otherwise engaged. As likely as not, they will be occupied with a Bill for amending the Act which remodelled the law of local government. (Applause.)

In the discussion which followed, Mr. WALTER G. BEECHCROFT (Leigh-on-Sea) suggested that in fairness to solicitors, the rules should be altered to enable the complainant to be legally advised and assisted and the accused solicitor to make rejoinder by affidavit.

Mr. E. A. BELL (London) said that a defaulting solicitor was well able to look after himself, and should not be forewarned of the complaints lodged against him. The profession controlled enormous sums, and at least £80,000 000 annually went through solicitors' hands. They should not fence any longer with the proposal to provide a fund from which restitution could be made.

Sir ROGER GREGORY said it had always been the desire of the Council that so far as was practicable the profession should be thoroughly cleansed of members who might dishonour them. The matter had been under consideration for some years, but so far they had not been able to propound any scheme of insurance for the protection of clients. As regarded the punishment of defaulting solicitors a very effective machine had been evolved. The Discipline Committee had heard some horrible cases which made one's blood boil at the ruthlessness with which clients had been dealt, and other cases where solicitors had ultimately fallen after resisting great temptations. There had been cruel frauds where people in comparatively humble circumstances had lost their little savings, and with that aspect of the question the Council were particularly anxious to deal. A scheme was being considered under which a fund might be created by subscriptions varying in amount which would be entirely at their disposal to recompense those persons who through no fault of their own had lost money which they could ill afford by the default of a solicitor. It would be a noble thing for the profession to be able to say "We cannot stop the fraudulent, but we will tax ourselves to a reasonable extent to make good the losses which the wronged ones incur." (Applause.)

THE SOLICITORS ACTS, 1888 AND 1919.

Mr. E. R. COOK (Secretary of The Law Society) then read the following paper:—

Last year at Eastbourne I read to you a paper on a subject not entirely unconnected with that on which I am about to address you, and it was my belief then that your valuable time would not be occupied by me again. It has, however,

been suggested to me, from a quarter which I could not easily disregard, that it would be of assistance to the profession, and possibly even to the public, if a concise statement were made as to what is done towards discouraging that professional misconduct which occasionally breaks out in our ranks, which we all deeply deplore and would, each one of us, do what he could to prevent.

The declared object of our predecessors, the Society of Gentlemen Practisers, founded now nearly two hundred years ago, was that they would use their utmost endeavours to detect and discountenance all unfair practice. Any of you who has read their proceedings will know that as far as the conditions of those times allowed they saw to it that questionable conduct was enquired into and submitted to the court. The same can be said to-day of The Law Society, one of whose objects, as you know, was and is the promotion of professional improvement. Only the other day I was reading some of our earliest letter books and was interested to find, not merely that a hundred years ago His Majesty's judges were relying upon the Society for reports as to conduct, but that the Society in turn was depending, as it does to-day, upon reports from Provincial Law Societies, of which societies even then there were nearly forty.

Solicitors, as you know, are officers of the High Court, and from the earliest times it was—and is still—within the inherent power and jurisdiction of that court to enquire into their conduct. It could have acted on its own initiative, as it did—and does—in cases of open contempt, but it would be safe to say that in cases of defalcation it relied almost entirely upon a personal application to it by motion by the aggrieved party, or by any person, or body of persons, happening to have cognizance of the facts. According to the old practice before 1888, a client could ask the court also by his notice of motion for the payment of money under its summary jurisdiction, and presumably could do so now. This fact may to some extent have induced applications which otherwise would not have been made. It is certain, however, that by far the larger proportion of applications always have been at the instance of The Law Society or its predecessor; and, as those who have lost or fear the loss of money are concerned usually only in securing its return, it is equally certain that many applications never would have been made unless The Law Society had stepped in.

For many years prior to the passing of the Solicitors Act, 1888, it had become the practice of the court, if a *prima facie* case of professional misconduct were shown by the supporting affidavit, and if the facts were disputed, to refer the whole matter to one of the Masters, who was directed to receive evidence on oath and to report his findings to the court. The Master heard the case *viva voce* exactly as an ordinary trial at *nisi prius*, and practically as if there had been no documentary evidence in the first instance. The result was that the evidence was taken twice over, first by affidavit, and afterwards *viva voce*. The Master then reported to the court and, not infrequently, the case was argued over again on practically the same materials as the court had had to consider originally.

Apart from the cumbersome nature of the whole procedure great hardship was often inflicted, on the one hand, upon the complainant who naturally did not consider he had a public duty to perform and was inclined to compromise if he could, and on the other upon the solicitor who, although he might have a valid explanation, was unwilling to incur the publicity of the report which, whether favourable or not, would be read in open court.

It was to some extent with the object of securing that complaints should not be settled privately that there was included in the Solicitors Act, 1874, a provision that when an application was made by some party other than The Law Society that society was to receive notice of it, and to be entitled to be heard. This I think, was the first statutory calling in of The Law Society on the subject; and while it was a useful provision, it of necessity added to the circumlocution. And a further argument against the practice was that the Master had often not been a solicitor and was not the best judge of whether conduct had been in accordance with professional usages.

Such was the ordinary practice in solicitors' cases until the year 1888. In that year the council of The Law Society appointed a committee to consider the whole subject and to make suggestions to simplify and expedite the procedure. It reported that the procedure was complicated, expensive, and dilatory, and that the functions exercised by the court at great cost to the society could be well exercised by the council alone. These views were submitted to the Master of the Rolls, Lord Esher, who approved them and went so far as to introduce a Bill into the House of Lords to give effect to them. His powerful influence, and the opinion expressed by Lord Halsbury (then Lord Chancellor) in the course of the debate, that this new procedure would be a great improvement on the old, at once secured the passage of the Bill which emerged as the Solicitors Act, 1888.

The procedure provided by the Solicitors Act, 1888, dispensed with the original application to the court, and substituted a new tribunal, namely, a committee appointed by the Master of the Rolls from among the members of the council of The Law Society. The committee who derived their power entirely from the Act, and in no way from the society, of which they were made quite independent, consisted of seven members; and every application against a solicitor on the ground of professional misconduct had to be considered by them.

The procedure before the committee was regulated by rules concurred in by the Master of the Rolls, and the object was to make it as simple and easily understood as possible. The complainant was required merely to sign a very simple form of application, and to accompany it with an affidavit setting out the facts constituting the matter complained of. The Act of 1888 provided that if the committee were of opinion that there was no *prima facie* case of misconduct disclosed by the affidavit, no further proceedings were to be taken; but that if the committee thought there was a *prima facie* case, it was to be their duty to report the matter to the court. This in fact is what they did, and the position was, that unless the committee considered a *prima facie* case had been disclosed, the solicitor concerned never heard anything about the matter. If, on the other hand, a *prima facie* case was disclosed, the committee appointed a day to hear the complaint, and provided the solicitor with a copy of the application, and of the affidavit supporting it. The committee then sat to hear the facts of the case and eventually they prepared and forwarded to the court their written report upon those facts.

In due course, the court, which was invariably a Divisional Court of the King's Bench Division, appointed a day for consideration of the report, when the solicitor attended and, after hearing him, the court made what order it chose on the findings of the committee.

This is what took place with regard practically to every complaint made after the passing of the 1888 Act and before the passing of the Solicitors Act, 1919.

The Act of 1888 reserved to the court its original inherent jurisdiction over its officers by providing that the High Court might, notwithstanding anything in the Act of 1888, exercise any jurisdiction over solicitors which it might have exercised if that Act had not been passed. It follows, therefore, that any complaint against a solicitor might have been made, as it may be now, direct to the court. In practice, however, this was hardly ever done.

For many years before the passing of the 1919 Act the court, on hearing the report of the committee, had been in the habit of intimating that it attached the utmost importance to the views of the committee as to whether any particular matter complained of did, or did not, constitute professional misconduct; and gradually the judges arrived at the conclusion that the profession might be left to decide what ought, or ought not, to be so regarded. When, therefore, in the year 1919, a bill was introduced to empower the committee not merely to hear complaints, but also finally to deal with them, subject only to an appeal to the court, the bill secured the complete sympathy of the judges and was passed into law with the general approval of the profession.

The rules of procedure under the new Act made by the committee with the concurrence of the Master of the Rolls, are very much in the same form as those under the Act of 1888. They provide, as before, that there shall be a hearing only if the committee are satisfied that a *prima facie* case has been made out in the affidavit of complaint. They enable either party to issue subpœnas to secure the attendance of witnesses and the disclosure of documents, and they empower the committee at any stage of the proceedings, if they see fit, to appoint a solicitor to represent the applicant and to direct the costs of such solicitor to be paid out of the funds of The Law Society. They provide also that no application is to be withdrawn after once it has been launched except by the leave of the committee. The hearing is fixed as far as possible to accord with the convenience of the parties, and to avoid all unnecessary delay. The rules provide further that the hearing of the application shall be in private but that the findings and order of the committee, which are always in writing, shall be delivered in public. The result is to avoid entirely all publicity unless in fact the solicitor is found to have committed professional misconduct, and thus is removed one of the most serious objections to the practice before 1888. The other two objections of dilatoriness and expense are also completely overcome.

The object of this paper is to indicate to you that every possible effort is made to secure that all complaints, no

matter from whence they reach us, are fully and promptly enquired into.

Many formal complaints are made direct to the Discipline Committee, of which the majority are properly framed and duly proceeded and dealt with. If, however, the Discipline Committee consider the facts disclosed while not, as presented, constituting a *prima facie* case, show that further enquiries are desirable, or if a *prima facie* case having been disclosed, reluctance to proceed with it is apparent, they make use of the rule in their procedure to which I have referred, which enables them to refer the case to the Council of The Law Society. These cases are then transmitted direct to the Professional Purposes Committee, which I am about to mention, and thus is avoided any burking of enquiry on merely technical grounds, or on the ground that the claim has been compromised.

So much for complaints made to the Discipline Committee under the rules.

Any one, however, who has given the matter a moment's thought must realise that The Law Society itself, as the body publicly known to represent our branch of the profession, receives scores of more or less informal complaints by litigants and others, of the neglect and misconduct of their professional advisers. A large proportion of these are without justification, and arise not from any neglect or misconduct of the solicitor, but from some unfortunately distorted idea as to the personal rights of the complainant. Many of these complaints are difficult to understand and most of them are exceedingly lengthy. Many raise questions of neglect as to which the ordinary civil jurisdiction of the court is available. Each complaint is read and considered with the utmost care, and if it is evident that no question of professional misconduct is involved an intimation to that effect (giving reasons) is conveyed to the complainant, who at the same time is referred to the rules and informed that if he wishes to take the matter further he can proceed under them.

If, however, there is the remotest possibility of professional misconduct having taken place, the complaint is submitted to a special committee of the Council appointed to consider such matters. This committee is called the Professional Purposes Committee, to which I have just referred, and is appointed by the Council with power to act. Members of the Statutory Committee under the Solicitors Acts, 1888 and 1919 are not appointed upon it. Any complaint made to the Society, as distinguished from the Discipline Committee, except such as discloses no case at all, or a case merely of neglect, is submitted to this Professional Purposes Committee, as also are all criminal convictions. The Committee in these cases and in those (already mentioned) referred by the Discipline Committee, read the papers and obtain every possible information to enable them to arrive at a conclusion as to whether a complaint or a further complaint should be submitted or re-submitted to the Discipline Committee. Having completed their enquiries, the Professional Purposes Committee, if they consider a *prima facie* case has been made out, adopt one of three courses. Either (*a*) they inform the complainant as to the method of procedure and that the Society will, if necessary, assist him in the preparation of his case and pay the costs of the application, or (*b*) if there is the least reason to fear that otherwise the case would be allowed to drop, they instruct the Society's solicitor himself to enquire into the facts and to make an affidavit of complaint to the Discipline Committee, or (*c*) if the case comes from the provinces, they instruct a provincial solicitor, for choice the honorary secretary of The Provincial Law Society in the locality from which the complaint emerges, to make the enquiries and, either himself to prepare and swear the affidavit, or assist the aggrieved person to prepare it, and submit it to the Discipline Committee.

The Law Society might, of course, in these matters act through its own permanent officer, but the method of instructing an outside solicitor, to make completely independent enquiries and to swear the affidavit himself, is adopted with the entire approval of the judges, so as to avoid any possible suggestion that any member of the profession is being prosecuted and judged by the same tribunal.

Every Provincial Society is familiar with the procedure to which I have referred, and the result is that complaints made to the Provincial Law Societies are passed on to us, either at once or after preliminary local enquiries.

The procedure which I have just outlined, with which, after somewhat long experience, I am familiar, does seem to me to provide as effective and complete, as prompt, as fair, and as inexpensive a method as could possibly be devised. It would, I think, be true to say that every complaint is most exhaustively and carefully considered, and that any and every possible hindrance is removed to making any complaint, whether on the ground of expense, or owing to the difficulty in the preparation of the affidavit, or on any other ground whatever. It follows, therefore, on the one hand, that no aggrieved person can be justified in alleging that he or she cannot have his or her complaint dealt with promptly and inexpensively, or even without expense; and, on the other hand, no solicitor can be subjected with impunity to vexatious or spiteful persecution.

It has been suggested occasionally inside, though never, so far as I can remember, outside, the profession, that there should be some means of enquiring into a solicitor's affairs as and when any person may happen to give a hint that it would be desirable to do so. No such power is exercisable in the case of any other member of the community so far as I am aware, and personally I cannot understand how it could be justified. This being so, it is difficult to think of any more effective system than that which exists. Any one of you, I am sure, would strongly resent the possibility of any outside person, whether a representative of this or any other body, being able, at the instance of some responsible or irresponsible complainant, to enter your offices and examine your books, and I am confident that no Legislature would pass legislation for such a purpose.

I have already directed your attention to the section of the Act of 1888 which reserved entirely to the court its original inherent jurisdiction over solicitors. The Act of 1919 incorporated a similar section. It provided also that there should be an appeal from the findings and order of the Committee to the Divisional Court of the King's Bench Division. During the ten years which have elapsed since the passing of the Act of 1919 there have been but twelve appeals to the court from the findings and order of the Discipline Committee. In eleven of these the orders of the Committee were confirmed, and in the remaining appeal the finding of the Committee was confirmed, but the order was mitigated. During the same time there has been but one application direct to the court under its summary jurisdiction, and that was because the Discipline Committee has no power to take evidence on commission.

In almost every appeal, the court, in confirming the decision of the Committee, has commented upon the fairness of the tribunal, and the necessity, as far as possible, of permitting the profession, with regard to any question of what is, or is not, honourable conduct, to be "masters in their own house."

I think I have said enough to show you that a strict, but equitable, discipline is exercised over the members of our profession, and that the Council will ever welcome the assistance of the Provincial Law Societies, and the public, in dealing with any cases which need enquiry. (Hear, hear.)

The Banquet.

Nearly 300 members and guests attended the banquet at the Royal Bath Hotel on Wednesday evening, over which the President of the Bournemouth Law Society (Mr. J. B. M. Turner) presided. The assembly was a brilliant one, and the distinguished guests included the Mayor of Bournemouth (Alderman C. H. Cartwright, J.P.), The Right Hon. Sir John Eldon Bankes, P.C., Mr. W. M. Foster (President of The Law Society), The Hon. Mr. Justice Eve, The Hon. Mr. Justice Hawke, Sir Claud Schuster, G.C.B., C.V.O., K.C. (Secretary to the Lord Chancellor), Sir Thomas R. Hughes, K.C. (Chairman of the Bar Council), Sir Oswald R. A. Simpkin, K.C.B. (Public Trustee), Sir Roger Gregory (Vice-President of The Law Society), The Hon. A. E. A. Napier, C.B., Brigadier-General Sir H. Page Croft, M.P., His Honour Judge Barnard Lailey, His Worship the Mayor of Southampton (Councillor M. H. Pugh), Mr. G. A. Waller (President Hants Law Society), Sir Charles H. Morton, Sir Robert W. Dibdin, Mr. W. T. Lawrence, K.C. (Recorder of Bournemouth), Dr. A. R. Pinsent, Mr. A. G. Symonds (President Dorset Law Society), Sir Harry G. Pritchard, Kt., Sir A. Copson Peake, His Honour Judge Hyslop Maxwell, Dr. A. H. Coley, Sir Robert Welsford, Mr. C. E. Parry, Mr. B. W. Drake, C.B.E., Mr. H. N. Smart, C.M.G., O.B.E., Mr. Rayner Goddard, K.C., The Right Hon. Sir William Bull, Dr. Charles Mackintosh, Mr. C. Stanley Coombe, Dr. Leslie Burgin, Col. S. T. Maynard, Mr. Herbert Ashling (Town Clerk of Bournemouth), Mr. E. H. Bone (Vice-President Bournemouth Law Society), Mr. E. R. Cook (Secretary of The Law Society), and Mr. A. H. Thompson (Secretary Bournemouth Law Society) etc., etc.

The toast of the Law Society was proposed by Mr. Justice Eve, who said it was with lively satisfaction that he responded to their invitation to propose the toast of the Law Society. There would be no doubt as to the reception which would be accorded it by those members of the Society who had been able to accept the invitation to come to what he must refer to as "beautiful Bournemouth." The status of The Law Society in the profession was too well established, and its reputation, alike with the public and with the profession, too well assured to justify him in enlarging upon them. He felt certain, too, that they appreciated that evening's delectable

hospitality. In this level-headed country of ours wherein the character or the reputation of individuals and institutions would ultimately, and must ultimately, be gauged and judged by the composite attributes which were covered by that pregnant word "character," an institution which comprised thousands of members, which had existed for more than a century, and had so conducted itself as to have acquired characteristics of sane, moderate and impartial administration, of steady and sober progress, and of being ever vigilant and self-controlled, could not be regarded otherwise than as a potent factor not only in its particular sphere, but also in their national life (hear, hear). It was natural, nay almost inevitable, that they should associate the activities and the influence of The Law Society with those acts of sociology which had to do with legislation, the making, the amendment, and the administration of their laws. There were few of them who would be so indifferent as to embark on legislation unsupported by a respectable body of professional approval, and when the question arose whether or no that professional approval existed, it was to the corporate bodies such as the Bar Committee, represented that night by his friend Sir Thomas Hughes, The Law Society, and the kindred societies throughout the country, not forgetting their hosts of that evening, that they turned. This encouraged him to offer for their benevolent consideration one or two observations with regard to the trend of recent and anticipated legislation. Now no one could doubt but that a great deal of legislation must be of an experimental and tentative nature, and the more it savoured of these attributes the more necessary it was to approach its formation and its passage with caution and with discrimination. It was far easier to realise that a system of law, moulded to the procedure of ancient customs, had ceased to become responsive to the requirements of a later civilisation, than to find a satisfactory and adequate alternative for them. The instinct of our race was opposed to revolutionary changes (hear, hear). It recoiled from indiscriminate scrapping of that which was capable of amendment or repair until it was wholly and altogether worn out. What man amongst them would throw away a comfortable pair of old shoes, or lay aside a threadbare jacket, unless he was satisfied that no patching and no mending could restore them (laughter). Therefore, it behoved those who were embarking on new forms of legislation, and effecting new things to satisfy the new demands, to be cautious and proceed with every care. Speaking for himself he was inclined to think that the want of enthusiasm which had been displayed towards the recent alterations in their laws affecting real property (laughter) was largely due to the error of those who gave them too much to eat at one mouthful, without due regard to their digestion (applause). An intermittent meal would have been far more satisfactory, far more attractive. But there was another thing he would like to deal with. Continuity in legislation ought to be maintained. Unless the country had undoubtedly expressed a view to the contrary, no countenance should be given to the claim of any political party to reverse the legislative acts of its immediate predecessors (loud applause). Such a course was destructive of their system of party government, and not only could it render that ineffective but it would prove ultimately as unfruitful and as useless as reprisals had ever done in warfare. It did not follow that every statute which remained on the statute book ought to be there. Legislation framed for a particular emergency should be put an end to or be suspended as soon as those emergencies had ceased to exist (hear, hear). He believed there was good ground for saying that more injustice was being done, and greater hardships were being inflicted to-day by the continuance in operation of the Rent Restrictions Acts (applause) than would arise if they were immediately repealed (applause). Another tendency in their legislation, due it might be to the aftermath of the war, was the tendency on the part of the executive to restrict the personal freedom of the individual, to intermeddle with, and at times to compete with, the individual comfort, and occasionally, not infrequently, to transgress the line which should clearly, and which did clearly, demark the functions of the executive and those of the magistracy (hear, hear). And was there no doubt that these tendencies to restrict the individual freedom, to discourage individual effort, self-denial and thrift, to assume responsibility on the part of the State which ought to be discharged by individuals, and to restrict the rights of the citizen to have his disputes adjusted and his position ascertained by the ordinary courts of law, good intentioned as they might be but hopelessly illusive as they were, were destructive of the moral fibre and the national characteristics of those who would set up a new state wherein the legitimate rewards and the emoluments of those who toiled and saved should be the first fund available for the support, the maintenance, the fecundity and the indolence of those who had never done anything? (Applause.)

Having relieved his feelings (laughter), he would refer to the subject-matter of his toast. (Laughter.) He would drink to it with the greatest enthusiasm He was indeed very happy to be there, and their President desired him to say, what he had informed him of, that he had enjoyed his dinner all the more because for the last week he had been cooking his own food and eating it out of the frying pan. (Laughter.) It was very pleasant to come to Bournemouth and to come to The Law Society's annual meeting year after year, to recognise the familiar faces of so many old friends, and to see and realise how small was the toll which the accumulating years demanded of them. Just a little less hair on the top—(laughter)—and a few inches added to the circumference—(laughter)—of that abdominal dignity. (Laughter.) It made his friend, Mr. Cook, and he look like living skeletons. (Laughter.) Those seemed to be the only symptoms of senile decay, and as he looked around those tables he could not help recalling a sentence from a master of English literature. Charles Dickens, in speaking of Dolly Varden's father, said "Father Time is not always a hard parent. Though he tarries for none of his children, he lays his hands gently on those who have used him well." He was glad to think he could feel that as he looked around that great gathering. Without further preface he would give them the toast of "The Law Society," coupled with the name of Mr. Foster. (Loud applause.)

Replying, Mr. W. H. FOSTER (President of The Law Society), said he felt it was a great honour that at the first public occasion after his appointment as President he should be privileged to respond for The Law Society. They were holding their forty-sixth provincial meeting in that beautiful town, and they appreciated the kindness of the Bournemouth Law Society in inviting them to come there and offering them such a welcome. The Law Society had reached the fourth year of its second centenary. Outlining some of its achievements he said they had been recognised by Parliament as entitled to represent the solicitors' branch of the profession, and they had established a first-class library. The first serious task of the Society was to see that no one should be allowed to practice who had not been properly trained, in general as well as in legal knowledge. The Solicitors' Act of 1843 prescribed an examination in law, and in 1860 a second examination in law was laid down, and what was quite as important was a preliminary examination in general knowledge. Now every articled clerk was compelled to attend for a year at a school of law before he could be admitted as a solicitor. They were granted control of the examination and from then on the position of the Society was firmly established. It was nearly fifty years now since they were granted the custody of the roll of solicitors. During the past century the Society had progressed not because of any statutory legislation, but because their predecessors worked hard and conscientiously to maintain and raise the standard of the profession, and to secure for it the confidence of the public. They, in their turn, were trying to do the same, and friendly meetings such as those encouraged them greatly in their task. In conclusion, the President thanked the President, the Vice-presidents, the Reception Committee and the Hon. Secretary of the Bournemouth Law Society for their kindness and courtesy to all. (Applause.)

"The Bench and Bar" was submitted by Brig.-Gen. Sir HENRY PAGE CROFT, Bart., M.P. Humorously extolling the virtues of Bournemouth people he said they were completely free from crime—(laughter)—they never quarrelled, or if they did it was very trifling, and they had the right municipal experience, and also they were consistently rich in political wisdom. (Laughter.) Having earned his small commission from the publicity department—(laughter)—he would come to his toast. The Bench and the Bar of England, with the solicitors, made up the great legal profession of which every citizen of this Empire was so proud. Without having any desire to minimise his qualities as a law-maker—(laughter)—he had to confess that he had been very unfortunate as a litigant at law. (Laughter.) Twice he had to enter the sombre portals. On the first occasion he received the verdict on three counts out of four, and he discovered that he was £200 out of pocket at the end of it. (Laughter.) His second experience was when, as a trustee, he waged war against a government department. An appeal took place. One judge in the Appeal Court was for them and two were against them. That made them two all. (Laughter.) Finally they were all square at the turn. (Laughter.) Then they went to the House of Lords, and three of the noble lords were against them and two were for them. (Laughter.) Although he felt the law was right he wanted to say at once that two of the noble lords were so strong in their strictures against the government that the department came along and offered most handsome compensation at the end to the widow for whom they were waging war. He learned that the law was right, and that under the stern panoply of the law there were human beings.

Throughout the length and breadth of the world British justice stood in a position which was the envy of the civilised world, and frequently the envy of some less fortunate countries. They felt that influence, power, favouritism or riches could not deflect the true course of British justice, and if corruption were attempted the attempted corrupter would dash himself to a thousand pieces against the wall of British justice. (Hear, hear.) The Bench had always been the protectors of the liberties of the people of this country. The speaker referred to the successful intervention of Mr. Justice Swift in the cotton dispute, when his intervention led to a settlement in a few hours, and he alluded to some of the many brilliant lawyers whom he had seen passing through the House of Commons, and always ascending—Lord Finlay, Lord Carson, Lord Hailsham and Lord Oxford and Asquith. He coupled with the toast the names of the Hon. Mr. Justice Hawke and Sir T. R. Hughes, K.C. (Applause.)

Replying, Mr. Justice HAWKE said he could not help feeling that he was there that night because he was a Western Circuit judge. (Hear, hear.) He could not forget all the old friends in Bournemouth who had been such good friends to him, and in particular he wished to say that to his last days he would never forget the kindly assistance that he had in his professional life from James Druitt, now dead, whose son he had the honour of meeting that evening. (Hear, hear.) But he must pass away from that and come to the particular matter with which he had to deal, and it was the response for the bench. Now, as far as he understood it, there was at one time at least an opportunity that he might have Sir Henry Page Croft in the dock before him. (Laughter.) He would not be sorry when that occasion arose—(laughter)—because he spoke of his performances as a law-maker. He had no political opinion but he had had the opportunity of watching him in the House of Commons.

He did not know whether they had appreciated it, but the Bench was the silent partner in the collocation of Bench and Bar. The talkative and verbose department was represented by his friend Sir Thomas Hughes. He would like to say that, having now for some time been a member of the Bench of this country, he had found the greatest difficulty with which he had to contend was that he was a silent member. It was quite easy to be talkative, it was much more difficult to hold his tongue. He had tried to train himself in that department and some day he hoped he might succeed. For instance, he understood that his brother Eve had talked that evening upon something, he did not quite gather what it was. (Laughter.) He understood from his observations that the attitude of the Bench was that they could not acquire the right to respond for that toast until they had acquired some rotundity. (Laughter.) He must not speak—(laughter)—and it had been his difficulty during the short time that he had had the honour of being one of His Majesty's judges to assume that character. It was not easy.

Continuing, Mr. Justice Hawke said he started away from London that day in all the pride of feeling that he was to be the guest of the Incorporated Law Society upon that occasion. Through the careful organisation of their secretary, he was provided with a ticket which enabled him to travel to Bournemouth at one and a third fare, he thought it was—(laughter)—not the price of the ordinary transport. He had never had a similar opportunity before and he tried to take his ticket, but when he looked through it he gathered that the same difficulty had occurred to Waterloo which had occurred to him. Was he an emigrant? (Laughter.) Well he knew he was not an emigrant because his friend Sir Claud Schuster told him a few weeks ago that on no occasion was he to leave the realm until October 14th. Was he a shipwrecked mariner? (Laughter.) He did not feel as if he were a shipwrecked mariner. He was entitled to travel first class if he was a theatrical or a music hall artist. He travelled first class, and he might say that he could find no description in this ticket for one of His Majesty's judges, and the gentleman with whom he travelled was in the same difficulty. He was the Public Trustee. (Laughter.) The only description he could think of for him was that he had recently, as they knew, been the defendant to a breach of promise case—(laughter)—in his official capacity, not otherwise. There was no place in this list for defendants or litigants. What could they do at Waterloo? They were puzzled, so they described him as "one other"—(laughter)—and it was as "one other" that he presented himself to them that night.

It was not very long that he had had the honour of enjoying the position which he now enjoyed, a position so long and so splendidly enjoyed by his brother on his right, but he had felt that in all the difficulties which presented themselves to those who tried, not always successfully, to keep silent upon the Bench, the great assistance that they had from the Bar, and from those who had instructions, and as long as they could get the class of men, such as Mr. Foster, steady in the best lines of British law and British honour, why the difficulties that presented themselves to those upon the Bench would be dissolved, and he could feel easy in his mind that in the years that remained to him as he sat upon the Bench he would get that assistance. In addition, he wanted to say that for the propagation of those feelings of instinct and mutual honour and mutual understanding, which so long had been the ornament of the British administration of law, he could imagine nothing which would promote that sort of fellowship and good feeling better than those meetings of the Law Society. (Applause.)

In a brief response Sir THOMAS HUGHES said it was always a pleasure to meet members of the other branches of the profession, especially on those festive occasions. The proposer of the toast had not had an entirely satisfactory experience of the law, but they hoped he would not be deterred—(laughter)—and that on future occasions he would be entirely successful. He congratulated Mr. Foster, who was an old friend of his, upon becoming the President of the Law Society. Referring to newspaper reports of Mr. Foster's presidential speech, the speaker said he felt a little bit shocked to find that Mr. Foster was extremely reactionary in his views. He gathered that he proposed that the suffrage should be restricted to men, and men between the ages of seventeen and fifty. If that were so a great many of those present would be disfranchised, and they could not entirely approve of Mr. Foster's suggestions. What the ladies would think of it he trembled to imagine. The Council of The Law Society would have to be on their guard against Mr. Foster or he would lead them into very reactionary measures.

Sir JOHN ELDON BANKES, P.C., then submitted the toast of "The Mayor and Corporation of Bournemouth." He confessed that he had had no knowledge of Bournemouth, but he had dreamed of it, as other people had done, and in their dreams they wished that they had been let in on the ground floor of such an undertaking as the Bournemouth and Poole Electricity Company. (Laughter.) Another dream was that they wished they had been amongst those fortunate people who went to bed believing and thinking that they were owners of some of the wild heath, and who woke up and found they were the possessors of building land of almost untold value. But those were dreams. His experience of Bournemouth was confined to one visit, but the reason why he was asked to come there that night and propose that toast was due to the kind thought of the President and the Council. They thought he would like to do so because of the intimate connection of his family with the adjoining county of Dorset. They made a mistake in thinking that he would like it, because he could not bear making speeches. The association of his family with Dorset had been of long standing, and it was a curious fact that almost exactly 300 years ago Sir John Bankes of that day bought Corfe Castle and adjoining property.

On this occasion he found himself with a much more pleasant task than on the last occasion on which he was asked to say something pleasant about a mayor. (Laughter.) The occasion was an agricultural show and the mayor had come to honour the proceedings and to welcome the agricultural society. To his dismay he found that the mayor was a lady, and he enquired how he should address her. He was told that the only proper and accurate way of addressing a lady mayor was to address her as "Mr. Mayor." This, of course, he did, but they would realise that he had some difficulty in persuading his agricultural friends that there was such a thing. (Laughter.) Fortunately on that occasion his duty was to confine his reference to the mayor, and he was saved the indelicacy of referring to her corporation. (Laughter.) On this occasion he was on safe ground, their mayor was a man, and he was so popular, he understood that he could not describe him in the scriptural and sacrificial language as "a male of the first year." (Laughter.) He felt how fortunate the mayor and corporation were in having to deal with such a popular place as Bournemouth. He hoped that they would continue to do as they had in the past and govern it with such wisdom and such foresight that had made it one of the leading and most popular places in the British Isles.

The MAYOR OF BOURNEMOUTH (Alderman C. H. Cartwright), in response, spoke of the romance of the growth of Bournemouth from wild heathland to a prosperous town with a population of over 100,000 and a rateable value of a million and a half, in about 100 years. The governors of the town had always had faith in it, and had believed in its destiny, and they had not been afraid to move with the times.

The toast of "Our Guests" was proposed by Mr. E. H. BONE, who said he hoped the lanes of Wessex might resound for many a year with ringing hooves and with turning wheel, and with perhaps the frizzling saucepan (laughter) and bacon. It was thus they liked to think of Sir Harry Eve disporting himself. Mr. Bone paid a tribute to the humanity which they always received from Judge Hyslop Maxwell of the

Bournemouth County Court, and he referred to the tremendous number of trusteeships which were day by day thrust upon the Public Trustee, Sir Oswald Simpkin, under the Law of Property Act. He acknowledged the help and consideration which the Member of Parliament for Bournemouth had always given the local Law Society.

In replying, Sir OSWALD SIMPKIN (Public Trustee) told racy stories to illustrate the Irish, Scotch and English methods of getting home, and he caused much amusement with a good story of a lady who came into his office the other day and saw one of his officers. She said she wanted to make a will and make the Public Trustee her executor. He replied that there would be no difficulty about this. The lady said she had a great horror of dying unidentified, so she was going to have a pair of garters made and on each garter there would be a silver band bearing the words "Public Trustee, London." (Loud laughter.) Sir Oswald said he asked his officer what reply he made, and he said it was "Madame, 'Honi soit—'" (Laughter.)

The Rural Dean, The Rev. E. MOOR, also replied, in a humorous speech.

The last toast "The Chairman" was submitted by His Honour Judge HYSLOP MAXWELL, who said he had received extreme kindness from the members of the Bournemouth Law Society during the nine years that he had been at the court of Bournemouth. He regretted that it had taken the Law Society forty-six years to choose Bournemouth for their conference, and smilingly suggested that it was an advertising stunt on the part of the Mayor and corporation which was the reason for their invitation to the Society. Now they must be fairly satisfied now that the stunt been had successful, and they had got their advertisement amongst a body of "the most professional and select gentlemen in the country." (Laughter.) His Honour begged leave to include in the toast the Secretary of the Bournemouth Law Society, Mr. A. H. Thompson.

The toast was received with musical honours, and in reply the CHAIRMAN expressed his pleasure that there had been such a large attendance at the Bournemouth conference. He commended the geniality and good fellowship which were engendered by the Society. (Applause.)

The gathering was one of the most successful of its kind which we remember attending, doubtless due to the organising abilities of the courteous local secretary (Mr. A. H. Thompson) and his energetic committee. "A thoroughly enjoyable evening" was the general verdict.

Societies.

Gray's Inn.

The Lord Justice Holker Scholarship (Bacon) of 1929 (£100 a year for three years) has been awarded to Mr. Leslie James Morris Smith, B.A., of Sheffield University. The Lord Justice Holker Scholarship (Holt) of 1929 (£80 a year for three years) has been awarded to Mr. William Leonard Dale, of the University of London.

The London Solicitors' Golfing Society.

The autumn meeting of this society will take place at R.A.C., Epsom, on Thursday, 10th October next, when the following prizes will be competed for:—

(1) Prize presented by Mr. C. L. Nordon to commemorate the twenty-fifth year of the society's existence and also the twenty-fifth year of his admission as a solicitor. Best medal score under handicap limited to 18.

(2) Richardson Sadlers Challenge Cup for best medal score (handicap limit 9 or less).

(3) Scratch medal.

(4) Society spoon for best medal score for nine holes out (handicap limit 11).

(5) Society spoon for best medal score for nine holes out (handicaps 12-24).

(6) Society spoon for best medal score for nine holes in (handicap limit 11).

(7) Society spoon for best medal score for nine holes in (handicaps 12-24).

(8) Ellis Cunliffe Challenge Vase.

(9) Evelyn Jones Challenge Cups. Foursomes against bogey, with society spoons for the runners-up.

As this is the twenty-fifth year of the society's existence, it is to be hoped that a very large number of members will compete at the meeting. Entries should be sent to the hon. secretary, H. Forbes White, Bank Buildings, Ludgate Circus, E.C.4.

Legal Notes and News.

Professional Announcements.

(2s. per line.)

Messrs. GREENE & GREENE, of Bury St. Edmunds and Ipswich, announce that they have amalgamated their Ipswich business with that of Mr. G. B. Morgan, of 10, Tower-street, Ipswich. The amalgamated business will be carried on at the latter address under the name of "Greene, Morgan and Greene." The partners have taken into partnership Mr. Cyril Frederick Steed, the managing clerk in charge of the Ipswich office of Messrs. Greene & Greene.

Professional Partnerships Dissolved.

TURNER COLLIN and WILLIAM ADAMS, solicitors, Saffron Walden, Essex (Collin & Adams), by mutual consent as from 31st August. The practice will be carried on by W. Adams in partnership with Edmund Charles Frank Land under the style or firm of Adams & Land.

Resignations.

Mr. ERNEST PAGE, K.C., Recorder of Carlisle, has intimated to the Home Secretary his desire to resign his appointment owing to reasons of health, as from the 30th September. Mr. Page has occupied this important and responsible appointment for the past twenty-five years, and having regard to his distinguished services the City Council, some few years ago, conferred upon him the Honorary Freedom of the City. The learned Recorder was called to the Bar by the Inner Temple in 1878, took silk in 1898, and made a Bencher of his Inn in 1909. He frequently acted as counsel for most of the great railway companies of the United Kingdom and as arbitrator in many labour disputes. He was Chairman of the Civil Engineering Construction Conciliation Board and of the Grand Hotel, Eastbourne.

Wills and Bequests.

Mr. Robert Frederick Norton, K.C., C.B.E., LL.B., of Durham-villas, Campden-hill, W., a bencher of Lincoln's Inn, and for some years chairman of King's College Hospital, who died on 8th August last, aged seventy-six, left unsettled property of the gross value of £99,699, with net personalty £99,388.

Mr. Henry Pearcey Lewis Barnes, solicitor of Walworth road, Southwark, S.E., left estate of the gross value of £7,346.

Mr. William Carey Morgan, solicitor, of The Quinton, Shawford, Hants, formerly head of the firm of Morgan and Co., solicitors, of Calcutta, left estate of the gross value of £32,930, with net personalty £29,510.

RE-OPENING OF PARLIAMENT.

SERVICE AT WESTMINSTER ABBEY.

MONDAY, 14TH OCTOBER, 1929.

On the occasion of the re-opening of the Law Courts, a Special Service, at 11.30 a.m., will be held in Westminster Abbey, at which the Lord Chancellor and His Majesty's Judges will attend.

In order to ascertain what space will be required, members of the Junior Bar wishing to be present are requested to send their names to the Secretary of the General Council of the Bar, 5 Stone Buildings, Lincoln's-inn, W.C., before 4 p.m., on Friday, the 11th October.

Barristers attending the service must wear robes. All should be at the Jerusalem Chamber, Westminster Abbey (Dean's-yard entrance), where robing accommodation will be provided, not later than 11.15 a.m.

A limited number of seats in the South Transept will be reserved for friends of Members of the Bar, to whom two tickets of admission will be issued on application to the Secretary of the General Council of the Bar.

No tickets are required for admission to the North Transept, which is open to the public.

WILLIAM A. JOWITT,
Attorney-General.

SERVICE AT WESTMINSTER CATHEDRAL.

A Votive Mass of the Holy Ghost (The Red Mass) will be said on Monday, 14th October, 1929 (the opening of the Michaelmas Law term), at 11.30 a.m. His Eminence the Cardinal Archbishop of Westminster will assist. Counsel will robe in the Chapter Room at the Cathedral. The seats behind Counsel will be reserved for Solicitors.

ENFORCEMENT OF MAINTENANCE ORDER.

At the North London Police Court, recently, Stephen Matchus (Bethnal Green) appeared to a summons for £11 5s., due to his wife, Anna Matchus(at present resident in the U.S.A.) under a maintenance order made at that court in July, 1928. The husband had taken out a further summons to vary the the order. Mr. C. V. Young, solicitor, appeared for the wife, and accepted service on her behalf.

The parties are United States citizens, the woman by birth and the man by naturalisation. The marriage took place in America. The parties lived for some years in this country and there were two children. Differences, however, arose, resulting in the separation order, which was for £1 17s. 6d. a week. In December, 1928, Mrs. Matchus informed the court officials that she was leaving this country for America, and that in future payments were to be made to her through Mr. Young, her solicitor. Her present address was given as King-street, Dorchester, Massachusetts. For a time the husband paid the weekly contribution, but he now objected to do so on the ground that Mrs. Matchus had removed herself and the children without his consent from the jurisdiction of British courts.

Mr. A. E. Robinson, solicitor, for the husband, contended on the first summons that the order was no longer in force because the wife's last known place of abode was outside British jurisdiction, and as to the summons to vary the order, that the magistrate could not proceed with as it was not served.

Mr. Young: I have accepted service on behalf of the wife and am ready to meet the summons.

Mr. Robinson said he did not dispute Mr. Young's authority from the wife. Had she been within the British jurisdiction that authority would have held good, because machinery existed throughout the Empire for making and enforcing matrimonial orders. His submission was that directly a woman who had obtained an order in this country withdrew herself from the British jurisdiction the order became void.

Mr. Young, while admitting the facts, alleged that the husband treated his wife so badly in this country that she was forced to go back to America.

Mr. Basil Watson (the magistrate) said he was impressed by Mr. Robinson's argument, which was only common sense, but he would consider the case in the light of the judgment in an unreported case (*Brooks* v. *Brooks*), referred to by Mr. Robinson, in which the wife had gone to Australia.

He would give his decision next week.

SHOPS (SUNDAY TRADING RESTRICTION) BILL.

Another effort to restrict Sunday trading is, says *The Daily Telegraph*, to be made by the re-introduction in the coming session of Parliament of this Bill.

"It has been in two previous sessions," an official of the Grocers' Federation stated recently, "and has had its first reading, but the second reading was never reached. In the last two sessions it was introduced by Sir Frank Sanderson, but he has been defeated, and at present we do not know exactly who will re-introduce it. It is a bill to place power in the hands of the local authorities to decide what Sunday trading is desirable. It will touch everybody to start with, but those who feel aggrieved will meet us, and we shall endeavour to meet them. The case of dairymen is particularly difficult. I should think they would have an exemption for certain hours. At present the old Act of Charles II is the law, under which the maximum fine is 5s."

The Bill proposes that all shops shall be closed on Sundays, except those for the sale of intoxicants, refreshments to be consumed on the premises, motor, cycle and aircraft supplies, newspapers and medicines. Certain shops, however, may apply for exemption.

THE FIRM'S NOTEPAPER.

A barrister at Westminster County Court recently submitted that a firm was liable "because all the correspondence is on the firm's notepaper."

Judge Turner: A man might write love letters on his firm's notepaper, but that would not make the firm liable for breach of promise of marriage.

Mr. Charles Edward Walker Ogilvie, solicitor, of Essex-street, Strand, W.C.2, left estate of the gross value of £11,471, with net personalty £9,769.

VALUATIONS FOR INSURANCE. It is very essential that all Policy Holders should have a detailed valuation of their effects. Property is generally very inadequately insured, and in case of loss insurers suffer accordingly. **DEBENHAM STORR & SONS (LIMITED)**, 26, King Street, Covent Garden, W.C.2, the well-known chattel valuers and auctioneers (established over 100 years), have a staff of expert valuers and will be glad to advise those desiring valuations for any purpose. Jewels, plate, furs, furniture, works of art, bric-a-brac, a speciality.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (26th September, 1929) 6½%. Next London Stock Exchange Settlement Thursday, 10th October, 1929.

	Middle Price 2nd Oct.	Interest Yield.	Yield with Redemption.
English Government Securities.		£ s. d.	£ s. d.
Consols 4% 1957 or after	81½	4 18 2	—
Consols 2½%	52½	4 15 3	—
War Loan 5% 1929-47	101	4 19 0	—
War Loan 4½% 1925-45	93	4 16 9	5 3 0
War Loan 4% (Tax free) 1922-42	99½	4 0 5	4 1 0
Funding 4% Loan 1960-1990	82½	4 17 0	4 18 0
Victory 4% Bonds (available for Estate Duty at par) Average life 35 years	91	4 7 11	4 9 6
Conversion 4½% Loan 1940-44	93½	4 16 3	5 2 6
Conversion 3½% Loan 1961	72¾	4 16 3	—
Local Loans 3% Stock 1912 or after	60¼	4 19 7	—
Bank Stock	240	5 0 0	—
India 4½% 1950-55	85	5 5 11	5 10 6
India 3½%	64	5 9 5	—
India 3%	55	5 9 1	—
Sudan 4½% 1939-73	92	4 17 9	4 19 0
Sudan 4% 1974	83	4 16 5	4 19 0
Transvaal Government 3% 1923-53 (Guaranteed by British Government, Estimated life 15 years)	81	3 14 1	4 5 3
Colonial Securities.			
Canada 3% 1938	85	3 10 7	5 2 0
Cape of Good Hope 4% 1916-36	91	4 7 11	5 12 0
Cape of Good Hope 3½% 1929-49	79	4 8 7	5 4 0
Commonwealth of Australia 5% 1945-75	94	5 6 5	5 7 0
Gold Coast 4½% 1956	93	4 16 9	4 19 9
Jamaica 4½% 1941-71	92	4 17 10	4 19 0
Natal 4% 1937	91	4 7 11	5 11 3
New South Wales 4½% 1935-45	88	5 2 3	5 12 6
New South Wales 5% 1945-65	94	5 6 5	5 7 6
New Zealand 4½% 1945	92	4 17 10	5 5 6
New Zealand 5% 1946	100	5 0 0	5 0 0
Queensland 5% 1940-60	93	5 7 6	5 9 4
South Africa 5% 1945-75	99	5 1 0	5 1 0
South Australia 5% 1945-75	94	5 6 5	5 7 0
Tasmania 5% 1945-75	95	5 5 3	5 5 6
Victoria 5% 1945-75	94	5 6 5	5 7 0
West Australia 5% 1945-75	94	5 6 5	5 7 0
Corporation Stocks.			
Birmingham 3% on or after 1947 or at option of Corporation	61	4 18 4	—
Birmingham 5% 1946-56	100	5 0 0	5 0 0
Cardiff 5% 1945-65	99	5 1 0	5 1 0
Croydon 3% 1940-60	68	4 8 3	5 2 0
Hull 3½% 1925-55	76	4 12 1	5 4 0
Liverpool 3½% Redeemable by agreement with holders or by purchase	70	5 0 0	—
Ldn. Cty. 2½% Con. Stk. after 1920 at option of Corpn.	51	4 16 3	—
Ldn. Cty. 3% Con. Stk. after 1920 at option of Corpn.	60	5 0 0	—
Manchester 3% on or after 1941	61	4 18 4	—
Metropolitan Water Board 3% 'A' 1963-2003	60	5 0 0	—
Metropolitan Water Board 3% 'B' 1934-2003	62	4 16 9	—
Middlesex C. C. 3½% 1927-47	81	4 6 5	5 2 6
Newcastle 3½% Irredeemable	70	5 0 0	—
Nottingham 3% Irredeemable	59	5 1 8	—
Stockton 5% 1946-66	100	5 0 0	5 0 0
Wolverhampton 5% 1946-56	99	5 1 0	5 1 4
English Railway Prior Charges.			
Gt. Western Rly. 4% Debenture	79	5 1 3	—
Gt. Western Rly. 5% Rent Charge	95½	5 4 9	—
Gt. Western Rly. 5% Preference	89	5 12 4	—
L. & N. E. Rly. 4% Debenture	72½	5 10 4	—
L. & N. E. Rly. 4% 1st Guaranteed	68½	5 16 10	—
L. & N. E. Rly. 4% 1st Preference	63	6 7 0	—
L. Mid. & Scot. Rly. 4% Debenture	76	5 5 3	—
L. Mid. & Scot. Rly. 4% Guaranteed	72¼	5 10 4	—
L. Mid. & Scot. Rly. 4% Preference	65½	6 2 2	—
Southern Railway 4% Debenture	76	5 5 3	—
Southern Railway 5% Guaranteed	95	5 5 3	—
Southern Railway 5% Preference	82½	6 1 3	—

YOUNG SOLICITOR (25), Public School, B.A., Oxon (1st Class Honours, Law Finals), having passed Solicitors' Final June, 1929 (Honours), desires post in Conveyancing office in Birmingham, Cheltenham or Gloucester district, or South of England; experienced in conveyancing, probate and trusts; good knowledge of new Property Acts; hard worker.—Box 199, Solicitors' Journal, 29, Breams-buildings, E.C.4.

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EX-OFFICERS AND OTHER RANKS.

THE Proprietors of The Solicitors' Journal have placed this space at the disposal of THE BRITISH LEGION, OFFICERS' ASSOCIATION, EMPLOYMENT BUREAU, 3-4, Clement's Inn, Strand, London, W.C.2 (Telephone: Holborn 5769), to whom all replies should be addressed, quoting number of advertisement, date of insertion, and the name of this paper.

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EX-CAPTAIN, Royal Engineer, 44 years of age. Married. Twenty years abroad. Good knowledge Civil Engineering. Hard worker and conscientious. Desires executive or administrative post, or as outdoor representative, traveller, etc., which entails position of trust. 11069.

ACCOUNTANT-SALESMAN, age 33, single, thorough knowledge office and sales management, Near Eastern experience, good appearance and address, seeks position of trust home or abroad. 10474.

MASTER MARINER, ex-Commander, D.S.C., R.N.R., general experience all classes of Vessels, Yachts, and fourteen years' salvage work. Highest testimonials, urgently requires employment ashore or afloat. 11022.

ENGINEER, Mechanical and Marine, age 39, thorough technical training teaching, organising, administrative, specialist in Fuel and Steam saving appliances, seeks suitable post anywhere, home or abroad. 11018.

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Saturday, October 5th, 1929.